

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**

**NOTICE OF FINAL RULEMAKING**  
**AND**  
**Z.C. ORDER NO. 08-06A**  
**Z.C. Case Nos. 08-06A, 08-06B, and 08-06C**  
**(Text and Map Amendment to Implement the Comprehensive Revisions**  
**to the Zoning Regulations)**  
**January 14, 2016**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of its adoption of a new Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR) and the adoption of amendments to the Zoning Map. Notices of Proposed Rulemaking were published in the *D.C. Register* on May 29, 2015, at 62 DCR 7046 and 62 DCR 8016. Changes made to the text as proposed are discussed in this Order and shown in Exhibits 1102A-1102K, 1102U, and 1102W-1102Z of the case record available on the Office of Zoning website, [www.dcoz.dc.gov](http://www.dcoz.dc.gov). This notice of final rulemaking shall become effective on September 6, 2016 and supersedes Z.C. Order Nos. 08-06-A through 08-06-E.

The text amendments create a new Title 11 (Zoning Regulations of 2016), which will be divided into subtitles as follows:

Subtitle	Subtitle Name
A	Authority and Applicability
B	Definitions, Rules of Measurement, and Use Categories
C	General Rules
D	Residential House (R) Zones
E	Residential Flat (RF) Zones
F	Residential Apartment (RA) Zones
G	Mixed-Use (MU) Zones
H	Neighborhood Mixed-Use (NC) Zones
I	Downtown (D) Zones
J	Production, Distribution, and Repair (PDR) Zones
K	Special Purpose Zones
U	Use Permissions
W	Specific Zone Boundaries
X	General Procedures
Y	Board of Zoning Adjustment Rules of Practice and Procedure
Z	Zoning Commission Rules of Practice and Procedure

The text amendments also include substantive revisions to the regulations, as summarized in Appendix A of this notice.

As indicated in the above table, the text amendments create new zone names to replace existing zone designations for clarity of use. The map amendments effectuate this renaming. The boundaries of the renamed zone districts are the same as the existing zone districts except for the R-19 and R-20 zones and parts of the new D zone districts as described herein. No name changes are made to the R-1-A, R-1-B, R-2, R-3, USN, HE-1 through HE-4, the StE-1 through StE-19, or WR-1 through WR-8 zones.

### **Procedures Leading to Adoption of the Amendments**

The implementing chapter of the District Elements of the Comprehensive Plan for the National Capital as adopted in 2006 indicated that, “the Zoning Regulations ... need substantial revision and reorganization, ranging from new definitions to updated development and design standards, and even new zones” and noted that a “major revision to the Zoning Regulations is planned for 2007-2009.” In furtherance of that policy and expectation, the Commission in 2007 held a pair of public roundtables.

The Commission has no legislative staff and relies upon the Office of Planning (OP), which is part of the Executive Office of the Mayor, to provide draft formulations of new regulations and to make recommendations concerning petitions to adopt new regulations submitted by the public. In recognition of this responsibility, OP formulated a process by which it would develop proposals and options for the Commission’s consideration in determining the scope and substance of any significant revisions to the Zoning Regulations. In November 2007, OP formed a task force to provide OP with overall feedback on the process and input into OP recommendations prior to presentation to the Commission of any proposals concerning revisions to Title 11. Each Councilmember at the time, the Council Chairman, several stakeholder groups representing city-wide interests, and relevant professional associations were invited by OP to have a member on the task force. There were forty-two (42) task force meetings held between 2007 and 2013.

OP then organized nineteen (19) public working groups by subject area. Eighty-one (81) public working group meetings were held between 2007 and 2011, with a total of over one thousand (1,000) participants. Each subject area was reviewed in consultation with a public working group that discussed issues identified in the Comprehensive Plan as well as issues arising from the existing Zoning Regulations. Recommended changes were then forwarded to the twenty-four (24) member-appointed task force for further review and input.

On April 4, 2008, OP filed a report intended to serve as a roadmap for the comprehensive revision of the Zoning Regulations, which came to be known as the Zoning Regulations Review or “ZRR” for short. The report indicated that the revisions would be submitted to the Commission in twenty (20) phases over a three (3) year period, with each phase having its own hearing, notice of proposed rulemaking, and referral to the National Capital Planning Commission (NCPD). Thereafter, OP would compile all of the language and recommendations

into a final, unified document, together with all comments received during the hearing and post-hearing comment period, after which the Commission would consider whether to take final action on the entire document. Because each phase would first be presented as a concept, with no specific language, OP requested the Commission to waive the setdown process, so that OP could advertise each concept without a Commission vote. The Commission granted the waiver on April 14, 2008, but later rescinded that waiver on September 2, 2010.

The Commission designated the case as Z.C. Case No. 08-06 and held nineteen (19) public hearings, followed by forty (40) public meetings discussing fifteen subject areas. The Commission published four (4) notices of final action in the *D.C. Register* on March 4, 2011 (Use Categories – Z.C. Order No. 08-06-A; and Height – Z.C. Order No. 08-06-B;), July 8, 2011 (General Parking and Loading – Z.C. Order No. 08-06-C; and PDR Zones – Z.C. Order No. 08-06-D), and July 15, 2011 (Green Area Ratio – Z.C. Order No. 08-06-E).). Each notice indicated that the Commission would not issue a notice of final rulemaking, but that it would wait until it had reviewed all portions of the proposed ten (10) subtitles and issued final orders for all approved text.

At this juncture, the Commission became aware of community concerns that it might not be possible to understand the full impact of the proposed changes unless all proposed amendments to the Zoning Regulations were presented together. In accordance with the Commission's wishes, OP, in consultation with the task force, began the process of drafting a complete revision to Title 11, which it presented to the Commission on July 29, 2013. The proposed text was assigned Z.C. Case No. 08-06A.

Prior to filing the complete draft revision with the Zoning Commission, the Office of Planning undertook extensive outreach. The outreach included OP hosted community meetings, one in every ward to explain the proposals, notices to all ANCs, posting of the proposals on the OP and Office of Zoning<sup>1</sup> websites; posting of notices within D.C. recreation centers; posting on neighborhood planning listserves, and mailings to 776 places of worship for posting on their community bulletin boards that noted the times and locations of all upcoming community meetings, website locations for electronic copies of the draft text and library locations of paper copies. OP also provided paper copies of the full draft text to all twenty-two D.C. Public Libraries. At the Ward 8 community meeting the OP presentation was videotaped and was available for viewing through the District of Columbia's DCTV public access channel.

During this same period of time the Office of Zoning prepared a full color tri-fold brochure entitled "What is the ZRR?" that described the purpose and status of the Zoning Regulation revision process and also identified the dates, times, and locations of the OP hosted community meetings described above. The brochure was mailed to the ANCs, citizens and civic associations, government agencies and professional associations and delivered to public libraries

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<sup>1</sup> The Office of Zoning is an independent agency of the District of Columbia created by the Council to provide professional, technical, an administrative staff assistance to the Zoning Commission D.C. Official Code § 6-623.01.

and community centers. In addition, the brochure was translated into Spanish and disseminated to language access partners.

On August 30, 2013, OP submitted a report that served as a petition recommending that the Commission officially set down Z.C. Case No. 08-06A for public hearings. (Exhibit 2 in Z.C. Case No. 08-06A.)<sup>2</sup> In its set down report, OP included a summary list of the changes proposed, organized based on the existing chapters. OP also explained how the proposed regulations were consistent with and furthered the Comprehensive Plan's policies and objectives. On September 9, 2013, OP submitted an updated copy of the latest draft of the proposed regulations, which was available through several online venues and was provided to all ANCs in compact disk format. (Exhibits A-7A through A-7Z.) Additionally, OP provided updated paper copies to all D.C. Public Libraries.

At a properly noticed public meeting on September 9, 2013, the Commission considered the proposal and voted to set down Z.C. Case No. 08-06A for hearing.

Section 3 of the Zoning Act of 1938 provides that the "Zoning Commission may from time to time amend the regulations or any of them or the maps *or any of them*." D.C. Official Code § 641.03. Prior to doing so, the Commission must "hold a public hearing thereon and provide notice of the hearing." *Id.* The notice is not required to provide proposed text, but need only "include a general summary of the ... amendments of the regulation ... and the boundaries of the territory or territories included in the amendment or amendments of the map or maps, and the time and place of the hearing." *Id.* The Commission must "afford any person present a reasonable opportunity to be heard."

For this case, the Commission not just met, but exceeded this minimum standard. As reflected in the Notice of Public Hearing published in the *D.C. Register* on September 20, 2013, at 60 DCR 13034, the Commission agreed to hold a series of hearings, with each hearing focused on a group of subtitles.

The dates and subject matter of each hearing were as follows:

DATE	SUBTITLE
Monday, November 4, 2013	A: Authority and Applicability W: Mapping X: General Procedures (includes planned unit developments (PUDs) and Campus Plan procedures) Y: Board of Zoning Adjustment Rules of Practice and Procedure Z: Zoning Commission Rules of Practice and Procedure
Tuesday, November 5, 2013	B: Definitions, includes uses

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<sup>2</sup> Hereinafter, exhibits cited from Z.C. Case No. 08-06A will be cited to as "Exhibit A-[exhibit number]." Exhibits from Z.C. Case Nos. 08-06B and 08-06C will be cited using the same format (*i.e.*, Exhibit B-[exhibit number]" or Exhibit C-[exhibit number]").

Wednesday, November 6, 2013	D: Residential House (R) Zones (includes Accessory Apartments in all R zones and corner stores for the current R-3 zones)
Thursday, November 7, 2013	E: Residential Flat (RF) Zones (includes corner stores for the current R-4 zones) F: Apartment (A) Zones
Tuesday, November 12, 2013	C: General Procedures (includes parking, bike parking, loading)
Wednesday, November 13, 2013	G: Mixed Use (M) Zones H: Neighborhood Mixed Use (N) Zones (includes new zones created from Neighborhood Commercial Overlays)
Thursday, November 14, 2013	I: Downtown Zones J: Production, Distribution and Repair (P) Zones K: Special Purpose Zones

As required, the notice provided a summary of the changes proposed from the current Title 11, but also provided the web address and a link to the web address where the full text could be accessed. Further, the notice indicated that a copy of the text on compact disk could be requested from either OP or the Office of Zoning and would be provided at no charge.

Finally, the notice indicated that the text of the proposed land use subtitles refers to zone district names that would replace the names given to existing base zone districts and overlays. However, the actual map amendments needed to effectuate the renaming would not be the subject of these hearings, but would be considered in subsequent map amendment proceeding for which notice and hearing would be provided in accordance with the Zoning Act and Regulations.

In addition to the Notice of Public Hearing, the Office of Zoning mailed a full color tri-fold brochure outlining the above information, and additional information on how one could participate in the process. The mailer was sent to ANCs, citizens and civic associations, government agencies and professional associations; and was left at public libraries and community centers.

On October 11, 2013, OP submitted a series of “crosswalks” for the new regulations, which consist of tables comparing the location of provisions in the existing regulations with their corresponding provision in the newly reorganized regulations. (Exhibits A-14 through A-47.)

Beginning on October 28, 2013, OP submitted a series of reports providing in-depth discussions of each subtitle, including a summary of proposed changes, Comprehensive Plan policies and actions relevant to the subtitle, and any clarifications or errata needing alteration in the text of the regulations submitted on September 9, 2013. (Exhibits A-92, A-140, A-144, A-160, A-18A, A-200 though A-203.)

On November 4-7, 12-14, 19, and 20, 2013, the Commission held the public hearings it had advertised. The Commission heard presentations from OP, testimony from the District Department of Transportation (DDOT) and the Board of Zoning Adjustment (Board), and testimony from over 200 individuals, organizations, or associations.

In recognition of the unique status and vantage point held by Advisory Neighborhood Commissions (ANCs), the Commission decided to hold a further hearing limited to testimony from ANCs and Single Member District Commissioners (SMDs). A notice of the further public hearing was published in the *D.C. Register* on December 6, 2013, at 60 DCR 16567. At the request of the Councilmember Chairman, Phil Mendelson, the hearing was held in a hearing room at the John A. Wilson Building at 1350 Pennsylvania Avenue, N.W. Washington D.C.

At its regularly scheduled public meeting on December 9, 2013, the Commission decided to keep the record open until March 3, 2014, at 3:00 p.m. In recognition of the fact that some District residents might not be able to attend hearings at the Office of Zoning, the Commission decided to hold Ward-specific hearings at convenient neighborhood locations. A Second Notice of Further Public Hearing was therefore published in the *D.C. Register* on December 20, 2013, at 60 DCR 17004, and advertised the following hearing times and locations:

Date/Time	Wards	Location
Saturday, February 8, 2014, 9:00 a.m.	5 & 6	Dunbar High School Auditorium 101 N Street, N.W.
Tuesday, February 11, 2014, 6:00 p.m.	3 & 4	Wilson High School Auditorium 3950 Chesapeake Street, N.W.
Wednesday, February 12, 2014, 6:00 p.m.	7 & 8	Department of Employment Services 4058 Minnesota Avenue, N.E.
Thursday, February 13, 2014, 6:00 p.m.	1 & 2	D.C. Housing Finance Authority 815 Florida Avenue, N.W.

Only those individuals, organizations, or associations who had not previously testified would be permitted to speak. However, the notice also stated that those persons who had previously testified, but still wanted to provide the Commission with additional comments, may do so by submitting comments in writing by 3:00 p.m. on Monday, March 3, 2014.

The February 13<sup>th</sup> hearing was rescheduled to and held on February 26<sup>th</sup>.

At its regularly scheduled public meeting on February 10, 2014, the Commission announced that the Office of Planning would be holding open houses in at least two (2) wards east of the river and at least two (2) wards west of the river in the near future. In view of these additional informational opportunities, the Commission voted to keep the record open until April 17, 2014.

All told, OP would host sixteen (16) such open houses. Eight (8) of these consisted of a community meeting; one (1) community meeting with a full presentation by OP followed by a question and answer session was held in each of the District's eight (8) wards. In addition, OP hosted eight (8) open houses at which OP staff was available for walk-in questions. Five (5) such open houses were held at OP's offices while the other three (3) were held in the Petworth Library, the Deanwood Recreation Center, and the Thurgood Marshall Academy. This is in addition to OP's attendance at eighty-one (81) community meetings and forty-three (43) ANC meetings to discuss the proposed changes. In March 2014, the Office of Planning also mailed to



each ANC a summary of the proposals as they would apply to each ANC specifically (Exhibits A-621 through A-664).

At the Commission's meeting held February 24, 2014, the Chairman indicated that the Commission would hold two further hearings; one in Ward 8 at Thurgood Marshall Academy, 2427 Martin Luther King, Jr. Avenue, S.E on April 21, 2014 at 6:00 p.m. during which the Commission would first hear from residents who reside in Wards 7 and 8 and then from any person who resides in the other wards of the City and who have not previously testified; and one on April 24<sup>th</sup> at 6 pm at Office of Zoning that would also allow those who had not yet testified to do so. A Third Notice of Further Public Hearing advertising these public hearings was published in the *D.C. Register* on March 7, 2014, at 61 DCR 1938. The Office of Zoning also published a version of this same notice in various local newspapers as follows:

Newspaper	Publication Date
Washington City Paper	March, 2014
Express	March, 2014
Washington Blade	March, 2014
The Washington Informer	March, 2014
The Current	March, 2014

In addition to the required notices of public hearing, the Office of Zoning again mailed a separate two (2)-page color flyer to all ANCs, SMDs, and civic and citizens associations notifying them of the public hearings.

During the Commission's regularly scheduled meeting of April 15, 2014, the Chairman indicated that he had received a request from Mayor Vincent C. Gray to leave the record open until September 15, 2014, so that OP could continue its public outreach and allow the public further opportunity for input. Although some Commissioners expressed doubt that additional time was needed given the significant public outreach and hearings already conducted, the Commission voted to grant the Mayor's request. Further OP indicated that representatives from Wards 7 and 8 requested that the public hearing scheduled April 21<sup>st</sup> be cancelled; therefore, the Commission cancelled the public hearing for April 21<sup>st</sup> and the hearing for the April 24<sup>th</sup> was held as advertised.

At its regularly scheduled public meeting on April 28, 2014, the Commission requested that OP submit written responses to the public comments received thus far. On May 5, 2014, OP submitted several reports and tables, as summarized below:

Exhibit A-719	Memorandum summarizing the submissions being filed
Exhibit A-715	Table summarizing each public comment submitted and OP's response
Exhibit A-716	Table summarizing the Commission's questions and OP's responses
Exhibit A-717	Memorandum on neighboring jurisdictions' treatment of accessory apartments
Exhibit A-718	Table comparing standards for neighborhood commercial overlays
Exhibit A-720	Table comparing existing neighborhood commercial overlays with the new regulations

Exhibits A-721 and A-722	Memorandum and table comparing existing parking standards with the proposed regulations
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At the Commission's regularly scheduled public meeting on June 9, 2014, OP provided further information on its May 5, 2014 submissions and received further guidance from the Commission regarding the proposed changes to the zoning text.

On June 16, 2014, OP submitted alternative text for the new regulations in response to public and agency comments and Commission guidance, as well as a supplemental report discussing the alternative text. (Exhibits A-725 and A-725A.) The report also included a table summarizing all of the changes made to the text. (Exhibit A-725A, pp. 2-4.)

On June 27, 2014, the Executive Director NCPC submitted preliminary comments on the text prepared by NCPC staff. (Exhibits A-726 through 726D.) The comments noted the following areas of concern: (1) building heights on major streets and avenues and near the national resources within historic L'Enfant City, specifically on Independence Avenue and North Capitol Street; (2) inconsistencies between the proposed regulations and the Pennsylvania Avenue Development Plan; and (3) the omission from the new text of existing opportunities for NCPC to comment on certain types of applications effecting existing overlay and stand-alone zones.

At its regularly scheduled public meeting on June 30, 2014, the Commission decided to postpone its discussion of the proposal until July 10, 2014. On July 10, 2014, the Commission held a properly noticed special public meeting at which it received a status report from OP regarding the new regulations and asked OP various questions regarding the alternative text. At the conclusion of the meeting, the Commission set down for hearings portions of the alternative language submitted by OP and asked that some additional alternative language also be advertised. The Commission, anticipating a large number of witnesses, decided to hold the hearing over the evenings of September 8<sup>th</sup> through the 11<sup>th</sup> to ensure that all persons who wished to testify could do so.

The notice for those hearing was published in the July 25, 2014 issue of the *D.C. Register*, at 61 DCR 7415, and indicated the Commission would hear witnesses in the order in which the Office of Zoning was notified of their intent to testify.

Also on June 30<sup>th</sup>, the Commission decided to hold one (1) last hearing on the originally advertised text to allow those individuals, organizations, or associations who had not yet testified at a prior public hearing an opportunity to do so, except that this limitation would not apply to an ANC Commissioner. The notice for that hearing was also published in the July 25, 2014 issue of the *D.C. Register*, at 61 DCR 7421, and scheduled for September 4, 2014 at 6:00 p.m. The Office of Zoning also published a version of this same notice in various local newspapers as follows:

Newspaper	Publication Date
Washington City Paper	August, 2014
Express	August, 2014



<b>Newspaper</b>	<b>Publication Date</b>
Washington Blade	August, 2014
The Washington Informer	August, 2014
The Current	August, 2014

Only six (6) persons appeared to testify at the September 4<sup>th</sup> hearing, one (1) of whom only wished to discuss the alternative text that was to be the subject of the September 8<sup>th</sup> hearing. Among the witnesses testifying was Elizabeth Miller (Director of Physical Planning at NCPC). In addition to her substantive testimony, Ms. Miller requested that the Commission extend the thirty (30)-day period set forth in the Zoning Act (D.C. Official Code § 6-641.05(b)(2)) for NCPC to provide comments on the rules after their formal referral to NCPC from the Commission.

The September 8<sup>th</sup> hearing on the alternative text began at 6:04 pm. By 8:40 p.m. all witnesses who had wished to testify had completed their presentations. Since no other persons had notified the Office of Zoning of their intent to testify, the Commission cancelled the remaining three hearing dates.

On September 12, 2014, the Executive Director of NCPC submitted comments prepared by NCPC's General Counsel to support and explain the rationale underlying the comments previously submitted by the U.S. Department of State, Office of Foreign Missions. (Exhibit A--828.) On September 15, 2014, NCPC staff submitted additional comments and technical analysis addressing the concerns stated in NCPC's previous report. (Exhibit A-860.)

The record for the public hearing phase of Z.C. Case No. 08-06A closed on September 15, 2014 with a total of eight hundred sixty-seven (867) exhibits having been submitted.

At its regularly scheduled public meeting on September 15, 2014, the Commission set a schedule for deliberating upon the text amendments, including the advertised alternative text. On September 30, 2014, OP submitted worksheets to help facilitate the Commission's deliberations. (Exhibit A-888.) On September 30, 2014, OP also submitted a table summarizing each of the public comments submitted between May 5, 2014 and September 15, 2014, as well as OP's responses to those comments. (Exhibit A-889.) In doing so, OP recognized that the Commissioners would independently review all comments received.

On October 6-9, 2014, the Commission held four (4) special public meetings to deliberate on the proposed text of the regulations, by subtitle and topic, as detailed below:

October 6, 2014	Code structure and zone names, definitions, uses and use groups, large format retail uses, Subtitles Y and Z (procedural rules), vesting, and effective date
October 7, 2014	Residential development standards and uses, corner stores, alley lots, residential flat zones, and accessory apartments
October 8, 2014	Subtitle C (General Rules), bicycle parking, loading, and vehicle parking
October 9, 2014	Downtown, PUDs, campus and private school plans, chanceries, new zones, Special Purpose zones, industrial zones, and mixed-use development standards

The Commission's lengthy and complex deliberations over the four (4) nights resulted in a total transcript exceeding nine hundred (900) pages in length.

On November 14, 2014, OP submitted a memorandum providing a detailed discussion of all the revisions made to the text of the regulations in response to the direction the Commission gave at the public meetings on October 6-9, 2014. (Exhibit A-890.) OP also provided follow-up information in response to questions the Commission raised at the public meetings. Attached to the memorandum was the revised text of the proposed regulations. (Exhibits A-890A through A-90Z.)

Through a letter dated December 10, 2014, the NCPC Executive Director reiterated the oral request made during the September 4<sup>th</sup> hearing that NCPC be granted greater time to provide its formal comments. (Exhibit A-891.)

At a special public meeting on December 11, 2014, the Commission deliberated upon the revised text and voted to take proposed action on the regulations, except that the Commission deferred action on Subtitle X, Chapter 2 regarding chancery applications. The Commission authorized OP and the Office of the Attorney general to make such revisions to the text as it requested. The Commission then considered the length of the period during which the public and NCPC could offer comment on the proposed rules.

As noted, the Zoning Act requires the Commission after a hearing to refer all proposed amendments to NCPC and requires NCPC to submit any comments no later than thirty (30) after the referral is made. The District of Columbia Administrative Procedure Act requires agencies to give notice of the intent to adopt rules and to allow at least thirty (30) days after the publication of such notice in the *D.C. Register* for the public to comment, except that a shorter period is permitted for good cause. *See* D.C. Official Code § 2-505(b)<sup>3</sup>. The Commission concluded that both the public and NCPC should be afforded sixty (60) days to offer comment.

At the same meeting, the Office of Zoning indicated that it would commence a proceeding as part of the comprehensive revisions to establish fees applicable to Commission and Board proceedings. The Office requested and was granted permission to issue a notice of public hearing for the fees without the Commission first voting whether to hold a hearing on the proposed amounts. The proceeding was given Z.C. Case No. 08-06B.

On January 30, 2015, OP submitted a report in Z.C. Case No. 08-06C that served as a petition requesting that the Commission set down a comprehensive map amendment to implement the proposed revisions to the Zoning Regulations. (Exhibit C-1.) OP noted that the boundaries of the new zone district names were proposed to be the same as the existing zone districts, except for the new R-19 and R-20 zones and part of the new D zones, as specified in the report. At its

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<sup>3</sup> The emergency adoption of rules without notice is also permitted under specific circumstances. *See* D.C. Official Code § 2-505(c).

regularly scheduled public meeting on February 9, 2015, the Commission voted to set down the map amendments.

A Notice of Public Hearing was published in the *D.C. Register* for the fees proposed by the Office of Zoning in Z.C. Case No. 08-06B on February 20, 2015, at 62 DCR 2324. A Notice of Public Hearing was also published in the *D.C. Register* for the map amendment proposed in Z.C. Case No. 08-06C on February 20, 2015, at 62 DCR 2339.

At its regularly scheduled public meeting on February 23, 2015, the Commission considered correspondence from the Committee of 100 on the Federal City requesting extension of the comment period for the text of the regulations from sixty (60) to ninety (90) days. (Exhibit A-892.) The Commission voted to grant the requested extension, which consistent with the Commission's intent would also apply to the NCPC review period.

On March 6, 2015, a corrected Notice of Public Hearing was published in the *D.C. Register*, at 62 DCR 2760, for Z.C. Case No. 08-06C, in order to clarify that the public hearing would be held on Monday, April 6, 2015. The prior Notice of Public Hearing had mistakenly referred to that date as a Thursday.

On March 3, 2015, OP submitted a supplemental report to address comments from NCPC regarding the regulations related to chanceries. (Exhibit A-894.) OP stated that the draft text for Subtitle X, Chapter 2 was revised to mirror the procedural approach proposed by the U.S. Department of State, and the report detailed the revisions. On March 6, 2015, the U.S. Department of State, Office of Foreign Missions, submitted a request to reopen the record in Z.C. Case No. 08-06A, which the Commission granted. (Exhibit A-896.) Accompanying the request were the Department of State's comments reiterating arguments made in a previously submitted report.

A chancery is the principal office of a foreign mission used for diplomatic or related purposes. The Foreign Missions Act (the "FMA"), approved August 24, 1982 (96 Stat. 282, as amended; D.C. Official Code §§ 6-1301 to 6-1315), identifies those locations where chanceries may be established as a matter of right and those areas where the location is subject to disapproval by the Board. The FMA identifies six (6) factors that the Board is to use when considering a chancery application, but also provides for a separate determination for an application involving proposed chanceries in low- to medium-density residence zones<sup>4</sup> as to whether the proposed location is already a mixed-use area. Both OP and the Department of State agreed that if such a determination was made the Board should disapprove the application.

The Department of State proposed in its mark-up to the proposed chancery regulations dated January 7, 2014 that the Board should determine the area to be analyzed on a case by case basis, provided that the area could not be smaller than the area within the zone district boundaries in which the proposed chancery property would be located. The Department of State's mark-up then identified several classes of non-residential uses, such as "educational" and "institutional"

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<sup>4</sup> Identified as R and RF zones and also RA-1, RA-2, RA-3, RA-6, RA 7, RA-8, and RC-1 zones.

and proposed that if the Board found that the area identified contained none of these uses, the Board must disapprove the application. The converse of that would be that if the zone district in which a chancery was to be located contained but a single school or single place of worship, the Board would have to conclude that the area was mixed-use.

In contrast, and consistent with past Commission and Board practice, OP recommended that the square within which the proposed chancery is to be located should be the area within which the Board should focus its mixed-use inquiry. However, in order to afford flexibility to the inquiry, OP proposed that the Board could use a larger area if that area provides a more accurate depiction of the existing mix of adjacent uses. Under OP's proposal, an area would be considered a mixed-use area if more than fifty percent (50%) of the zoned land within the area is devoted to uses other than "residential" uses as that term is defined in Subtitle B, Chapter 2. Further, the Board could find that an area with less than this amount of non-residential uses is a mixed-use area based upon credible evidence. In response to a concern expressed by NCPC staff, the proposed text made it clear that this determination could not occur until a hearing was held. These revised proposals were set forth in proposed Subtitle X, §§ 201.4 and 201.5.

At its regularly scheduled public meeting on March 9, 2015, the Commission took proposed action on the proposed chancery text as revised. Commissioner Peter May, representing the National Park Service, and noting the continued objections of the Department of State, indicated that he would not cast a vote, but would wait to formally hear from NCPC as to the effect of the OP proposal on the federal interest.

Also at its March 9, 2015 meeting, the Commission reviewed correspondence from ANC 3D and the Tenleytown Neighbors Association requesting an extension of the comment period from ninety (90) to one-hundred twenty (120) days. In denying the request, the Commission noted that just two (2) weeks had passed since its decision to extend the comment period time from sixty (60) to ninety (90) days and there was nothing in the new request to warrant a further extension. The Commission noted that the document had not yet been published and that after publication occurred it could revisit the length of the comment period.

At its regularly scheduled public meeting on March 30, 2015, the Commission considered correspondence from the West End Citizens Association requesting a postponement of the public hearing on the proposed map amendments, scheduled for April 6, 2015, until after the comment period for Z.C. Case No. 08-06A expired. The Commission determined that a postponement was unnecessary because the map amendments for the most part merely revised the existing Zoning Map to reflect the new zone names proposed by the text. Since final action on the map and text would occur together, any name or boundary revisions necessitated by changes to the text could be made at that time.

On April 6, 2015, the Commission held properly noticed public hearings on the proposed fees (Z.C. Case No. 08-06B) and proposed map amendments (Z.C. Case No. 08-06C). No members of the public testified in Z.C. Case Nos. 08-06B. After hearing from the Director of the Office of Zoning concerning the proposed fees, the Commission voted to take proposed action on the text. Because the notice of proposed rulemaking for Z.C. Case No. 08-06A had yet to be published,

the Commission authorized the inclusion of the fee-related text into that notice of proposed rulemaking, for which a ninety (90) day comment period has already been approved.

The Commission then opened the public hearing on Z.C. Case No. 08-06C and heard from two (2) public witnesses: Marilyn Simon provided testimony on behalf of the Friendship Heights Neighborhood Association and Sara Maddox provided testimony on behalf of the West End Citizens Association. Written testimony was also submitted on behalf of both organizations. (Exhibits C-8, C-10). Both Ms. Simon and Ms. Maddox expressed their concern over what they considered the complexity of the new zone names proposed and in combining the SP, CR, and C zones into Mixed Use (MU) zones. Further, the MU zones were numbered without any relationship to the incremental development and use permissions allowed.

Jennifer Steingasser, Deputy Director of Development Review and Historic Preservation for OP, was asked to respond and stated that the new naming conventions actually simplified the map. For example, Ms. Steingasser noted that the CR zone stood for “commercial/residential” and that the same mix was also allowed in C (Commercial) zones. Further, permitting the MU zones to be numbered without regard to the intensity of development permitted would allow for the chronological addition of new zones without having to go back and weave the new zones into the code. The OP report also mentioned how the use of zoning overlays has morphed the traditional relationship between use and intensity of development.

At the conclusion of the hearing, the Commission voted to take proposed action in Z.C. Case No. 08-06C.

By letters dated April 7 and April 12, 2015, the Office Zoning referred Z.C. Case Nos. 08-06A, 08-06B, and 08-06C to NCPD for the review required under Zoning Act. (Exhibits A-899, B-6, C-12.)

Notices of Proposed Rulemaking for Z.C. Case Nos. 08-06A, 08-06B, and 08-06C were published in the *D.C. Register* on May 29, 2015, at 62 DCR 7046 and 62 DCR 8016. The notice for Z.C. Case Nos. 08-06A and 08-06B provided for a one hundred and nineteen (119)-day comment period rather than the ninety (90)-day period last approved by the Commission. The increase in the comment period was authorized by the Commission Chairman. Footnote 1 of the notice explained that when the Commission, on February 23, 2015, authorized a ninety (90)-day comment period it believed that a notice of proposed rulemaking would be published within a matter of weeks. However, because of the extensive pre-publication review needed by the Office of Documents and Administrative Issuances, publication was not scheduled to occur until May 29<sup>th</sup>. This would result in a comment period that would extend through the summer months during which time ANC's and other stakeholders may be on recess. In order to allow for the fullest possible public participation in this process, the Chairman authorized the extension of the comment period to one hundred nineteen (119) days ending on September 25, 2015; over a year since the record closed on the public hearing phase.

In addition to the Notices of Proposed Rulemaking being published in the *D.C. Register*, on May 29<sup>th</sup> and August 19<sup>th</sup>, the Office of Zoning mailed out an additional notice in the form of a two



(2)-page color flyer to all ANCs, SMDs, and various civic and citizens associations notifying those entities that the proposed text had been published and was open for public comment until September 25<sup>th</sup>. (Exhibit A-904.) The Office of Zoning also published a version of this same notice in various local newspapers as follows:

Newspaper	Publication Date
Washington City Paper	June, 2015
Express	June, 2015
Washington Blade	June, 2015
The Washington Informer	June, 2015
The Current	July, 2015

(Exhibit A-902.)

In a letter to the Commission dated May 13, 2015 (Exhibit C-13), the NCPC Executive Director indicated that he approved comments on the proposed map amendment through a delegated action. The attached comments concluded that the amendments would not adversely impact federal interests, with the possible exception of certain properties along South Capitol Street located north of M Street that are proposed to be mapped in the D-5 zone. As a result of the proposed rezoning, the maximum height for these properties would increase from one hundred ten (110) to one hundred thirty (130) feet. Nevertheless, the comments indicated that the rezoning would not adversely impact federal interests if the Commission adopted the language contained in the December 2014 draft version of Subtitle I § 618.4(b). This text remains in the adopted version as Subtitle I § 616.7.

On May 29, 2015, OP submitted a supplemental report providing map details requested by the Commission at the April 6, 2015 public hearing. (Exhibit C-16.)

On August 31, 2015, the U.S. Department of State, Under Secretary of State for Management submitted comments restating the Department's prior view that proposed chancery regulations do not comply with § 4306 of the Foreign Missions Act. (Exhibit A-905.) The comments continued to object to the use of a square even with the exception provided and further objected to the need for an applicant to prove by "credible evidence" that an area with less than the threshold percentage of non-residential uses was nevertheless mixed use. To resolve these two areas of dispute, the comments offered revisions to proposed Subtitle X §§ 201.4 and 201.5 to eliminate any reference to a square or to the requirement for credible evidence.

In a letter dated September 11, 2015 (Exhibit A-922), the Executive Director of NCPC indicated that on September 3, 2015, NCPC approved an action on the proposed text amendments, which he attached to the letter (Exhibits A-920, A-921). The NCPC action indicated remaining concerns and made recommendations regarding the following issues: design criteria for the D-8 zone (Independence Avenue); NCPC referral for developments on Independence Avenue and at Burnham Place/Union Station; Commission review of projects on North Capitol Street south of M Street; the Pennsylvania Avenue sub-area; the J. Edgar Hoover (Federal Bureau of Investigation) site; future urban design study to update the Comprehensive Plan; and, regulations



related to chanceries. As to the latter topic, NCPC recommended that the Commission adopt the revisions to Subtitle X §§ 201.4 and 201.5 as proposed by the Department of State.

At its regularly scheduled public meeting on September 21, 2015, the Commission considered correspondence from ANC 4A requesting permission to file its report late, which the Commission granted. (Exhibit A-943.) The Commission also considered correspondence from ANC 7F requesting an extension of the comment period for an unspecified period, as well as a redlined version of the text and certain maps and matrices. (Exhibit A-975.) Upon the Commission's inquiry, OP indicated that it had provided the requested matrices. The Commission, noting that the comment period had already been extended, voted to deny ANC 7F's request for further extension.

The Commission also considered multiple requests for a non-English translation of the proposed regulations and an extension of the comment period, as well as several requests that OP conduct additional workshops in the community. (Exhibits A-923, A-924, A-926 through A-34, A-937 through A-939, A-942 through A-957, A-960, A-961, A-963, A-964, A-966, A-967, A-969, A-970, A-973, A-974, A-976, A-977.) At the meeting, upon the Commission's inquiry, the Office of the Attorney General indicated that there was no legal requirement for a non-English translation. OP indicated that, at the sixteen (16) open houses it hosted on the new regulations, it provided a fact sheet on the new regulations that was available in Amharic, Chinese, French, Spanish, and Vietnamese, as well as in English. The Office of Zoning stated that it had inquired as to the cost of procuring a translation of the regulations and had received an estimate of one hundred thousand dollars (\$100,000) per translation. With respect to OP holding additional informational events, the Commission noted that nothing prohibited OP from doing so. Based on this information, the Commission voted to deny the requests for translation, extension of the comment period, and for additional required OP workshops.

With respect to the existence of legal requirement to provide the requested translations, the Commission notes that Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §§ 2-1931 *et seq.* (2012 Repl.)) applies to "covered entities" as defined at D.C. Official Code § 2-1931(2).

D.C. Official Code § 2-1933 provides that:

A covered entity shall provide translations of *vital documents* into any non-English language spoken by a limited or no-English proficient population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered, by the covered entity in the District of Columbia.

(Emphasis added.)

The relevant portion of the definition of “vital document” provides:

Vital documents means applications, notices, complaint forms, legal contracts, and outreach materials published by a covered entity in a tangible format that inform individuals about their rights or eligibility requirements for benefits and participation.

D.C. Official Code § 2-1931.

The definition does not expressly state that proposed regulations are vital documents. Rather, it concerns documents that are actually in effect and being used. Further a regulation is not itself an application, notice, complaint form, legal contract, or outreach material. Therefore, the proposed text of Title 11 was not a vital document for which translation was legally required.

On September 25, 2015, ANC 7F submitted a request for an extension of time to file its report on the proposed regulations, which was granted. (Exhibit A-1077.)

On October 16, 2015, OP, as requested by the Commission, submitted a supplemental report including a table providing a preliminary summary of the comments submitted on the text amendment since proposed action and OP’s responses to those comments. (Exhibits A-1092, A-1092A.) On October 19, 2015, OP submitted another supplemental report including a completed table summarizing these comments and OP’s responses. (Exhibits A-1093, A-1093A.)

At its regularly scheduled meeting held October 19, 2015, the Commission decided to reschedule its deliberations on the text amendments from October 22, 2016 to November 16, 2016. The Commission also requested OP to provide recommendations based on public comments in response to the Notice of Proposed Rulemaking. On November 6, 2015, OP provided its recommendations as well as clarifications recommended by the Office of Zoning. (Exhibit A-1097.) In the report, OP explained the major changes it recommended to be made to the text as published in the notice and included, item-by-item, the recommended changes made to the regulations. (*Id.* at 3-18.) Among the recommended changes was for the Commission to not follow OP’s original recommendation that the existing references to Yards (Rear and Side), be replaced with references to Setbacks (Rear and Side), but to continue with the use of Yards. Also, OP indicated that it was no longer recommending that Alley and Tax Lots existing before a certain date be permitted to convert to a record lot as a matter of right. OP agreed to the revisions in the chancery regulations proposed by the Deferment of State, and also recommended accepting all of the recommendations made by NCPC in its action taken September 3, 2015. (Exhibit A-921).

OP also noted recent amendments to the existing Zoning Regulations on which the Commission had taken either final or proposed action since the public hearings on the comprehensive revision. Those cases were: Z.C. Case No. 14-11 (regarding rowhouse conversions); Z.C. Case No. 14-13 (regarding penthouses); Z.C. Case No. 14-22 (creating the Walter Reed (WR) zone); Z.C. Case No. 14-15 (creating the C-2-B-1 zone); and Z.C. Case No. 15-17 (creating an Expanded Child Development Home use). OP stated that the amendments related to these cases

would be incorporated into the new regulations. Finally, OP noted the numerous comments that identified misspellings, errors, and other omissions and that it accepted and would make all of the corrections.

At a properly noticed special public meeting on November 16, 2015, the Commission deliberated upon the proposed text regulations. As a preliminary matter, the Commission considered reports from ANC 8E, 7F, and 5B, which all included requests for an extension of the comment period for at least three (3) months. (Exhibits A-1094 through A-1096.) The ANCs repeated previous requests for redlined comparisons of existing and proposed amendments, as well as ANC specific development standards and matrixes.

The Commission denied the requests. The Commission has stated throughout these proceedings, creating a usable comparison between the current text of Title 11 and the revised text, which is in an entirely different format, is not feasible or necessary. The Commission has continuously endeavored to explain the nature of the changes being proposed and is it evident from the public comments received that there is a broad based understanding of these concepts. ANC-specific summaries of the pending changes to the Zoning Regulations were provided to each ANC in March 2013 via email and were uploaded to the case record as Exhibits A-621 through A-664. Additionally, zone comparison tables were entered into the record as Exhibits A-717, A-718, A-720, and A-762 through A-766, and parking comparison tables as Exhibits A-721 and A-722.

Further, after the Commission took proposed action, OP updated the zone comparison tables and posted them on the OP website and provided customized groups as requested in the summer of 2015. The ANC-specific Development Standards Comparison Matrixes have been and continue to be available in the case file online at the Office of Zoning website; additionally, they are posted on the OP zoning blog. Since the Commission determined that the materials requested were either provided or unnecessary, there was no reason to grant the extension requested.

The Commission also considered a request from the Committee of 100 on the Federal City to reopen the record to allow for submission of a request for third party review of the proposed regulations. (Exhibits A-1098, A-1100.) The Commission granted the request to reopen the record but denied the request for third party review, finding that the regulations had undergone sufficient review by numerous participants.

In its deliberations, the Commission provided further guidance to OP as to several additional changes to be made to the text of the new regulations, as follows: the word “recess” should be eliminated from the definition of “Courtyard”; the restrictions included in the definition of “Mezzanine” should be incorporated into the regulations for the Residential Flat (RF) zones; OP should ensure that the standards for measuring a “Yard” are consistent; and the preservation of historic view sheds should be added to the list of goals contained in Subtitle X.

At the conclusion of the public meeting, the Commission voted to take preliminary final action on the proposed regulations, as modified pursuant to the guidance provided at the meeting and the alterations as detailed in OP’s supplemental report of November 6, 2015. In using the word “preliminary” to describe its action, the Commission signified that had made all of the decisions

necessary for OP, the Office of Zoning, and the Office of the Attorney General to provide it with a final text for its adoption. The Commission would hold one last meeting to review the final text to ensure that it reflected the decisions it had made during its deliberations. To aid the Commission in making this determination, the Commission requested that this final text identify the changes made from the text appearing in the notice of proposed rulemaking. The Commission also requested that OP provide a summary of the changes to use permissions.

The Commission also considered whether the amendments should become effective upon the publication of the notice of final rulemaking in the *D.C. Register* or at some later date. The Commission agreed the rules would not become effective until six (6) months after publication.

On January 5, 2016, OP submitted its summary of changes to use permissions and noted that special exception and variances will continue to require notice to surrounding property owners and the affected ANC, the holding of a public hearing, and “great weight” being afforded to the affected ANC. (Exhibit A-1101.)

The final text for each subtitle was entered into the record and made accessible to the public through the Office of Zoning website on January 7, 2016. (Exhibits A-1102A through A-1102K, A-1102U, A-1102W through A-1102Z.) As requested, the text showed changes from the notice of proposed rulemaking most of which resulted from the changes made to the Zoning Regulations during the pendency of this case, the movement of text and tables, the correction of spelling and grammar, and the replacements of the term “setback” with “yard.”

On January 14, 2016, the Commission considered whether to take final action on the text and map amendments.

As to the map amendments, the Commission took no action with respect to rezoning requests made by the law firm of Holland & Knight LLP. Through a memorandum dated June 29, 2015, the law firm requested that the Commission re-designate Squares 3585 and 3587 from PDR-1 to MU-9 (Exhibit B-17.) The requested rezoning would be equivalent to changing the squares’ existing designation from CM-1 to C-3-C. In a second memorandum also dated June 29, 2015, the law firm similarly requested re-designating Squares 560 and 562 from MU-6 to D-R-4. (Exhibit C-18.) The properties are currently zoned C-2-C and the proposed re-designation would place the properties within the new Downtown (D) Zone District. The proposed rezonings were not advertised in the notice of public hearing for this case, nor were they identified in the notice of proposed rulemaking. Further, the purposes of the map amendment proceeding was limited to implementing the text amendments descriptions of zone districts and did not encompass individual rezonings of properties that would ordinarily be the subject of separate rulemaking or contested case proceedings.

Also on June 29, 2015, the law firm of Goulston & Storrs submitted comments asserting discrepancies for certain properties between the map amendment instructions contained in the notice of proposed rulemaking and the maps contained in Subtitle I. (Exhibit C-20) The comments also requested that the Commission clarify that the map amendments apply only to the

base zone and would not affect any vested map amendments granted as part of a planned unit development. The Commission agreed that the corrections and clarification should be made.

With respect to the text amendments, the Commission indicated that it reviewed the final text and found that it reflected the instructions it gave when it took preliminary final action. The Commission then unanimously voted on January 14, 2016 to adopt the final text and the map amendments and granted the Office of Zoning the flexibility to make changes in the text to correct spelling or grammatical errors, add omitted words, remove duplicate text, change section headings for clarity or internal consistency, and correct or add cross references.

The Commission also voted that the new rules should become effective on September 6, 2016. At the time it took preliminary final action, the Commission decided that the rules should become effective six months after publication of the notice of final rulemaking in the *D.C. Register*. However, the Commission decided that specifying a firm effective date at this point would allow the Office of Zoning, the Office of the Zoning Administrator, and the public to immediately begin to plan for a smooth transition to the new regulations

The Chairman then allowed each Commissioner to offer final comments and then closed the proceeding by thanking all of those who contributed to the effort, including former Mayors and Zoning Commissioners, members of the Office of Zoning staff, the ANC's and the public at large. The Chairman noted that each of the five (5) members of the Commission came from different walks of life and backgrounds, yet they managed to work together to come up with a document that he believed would stand the test of time. In that regard, he concluded by saying it was time to publish the final result of their deliberations and to put the document to work.

### **Comprehensive Plan**

Section 2 of the Zoning Act of 1938, D.C. Official Code § § 6-641.02, mandates that “[z]oning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital.” The Comprehensive Plan is a general policy document that provides overall guidance for future planning and development of the city. Throughout this proceeding and within each of its hearing reports, the Office of Planning cited the Comprehensive Plan policies that provided the relevant guidance with respect to the recommendations offered for the Commission’s consideration. Having considered the Office of Planning’s views and the public testimony and comments offered, the Commission concludes that the Zoning Regulations adopted by this order and the Zoning Map amendments that implement the revised text are not inconsistent with the comprehensive plan for the national capital.

In fact, the revised regulations and map respond to many Comprehensive Plan policies and action items. As noted, the Comprehensive Plan’s Implementation chapter called for the substantial revision and reorganization of the zoning regulations: “The Zoning Regulations need substantial revision and reorganization, ranging from new definitions to updated development and design standards, and even new zones.” (Comprehensive Plan for the National Capital: District Elements (IM-1.3)). Attached to this order is Appendix C, which identifies the relevant



Comprehensive Plan policies and action items to which the adopted regulation respond. Many of the policy and action items include multiple issues, some of which are not related to zoning or exceed what can be implemented through zoning text amendments. Other items included direction to further study or analyze specific issues. The Comprehensive Plan is not self-effectuating, and through the evolution of the case, including research, analysis, input from the various public meetings and hearings, and guidance from the plans and Zoning Commission, those action items most appropriate to address through a zoning text amendment have been reflected through revisions that capture the principal and intent of the relevant policy.

Further discussion of the relationship of the Comprehensive Plan to several of the changes made to the existing 1958 regulations is included in the portion of this order entitled “Discussion of Major Issues,” which appears after the following discussion of “Great Weight.”

### **Great Weight**

The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2014 Repl.)) to give “great weight” to the issues and concerns raised in the written reports of the affected ANC. To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. Attached to this Order is Appendix B, which identifies each legally relevant issue expressed in the written reports submitted by the ANCs, and the Commission’s response thereto.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2012 Repl.)), to give great weight to OP’s recommendations. Throughout this proceeding there has been the suggestion that this Commission mistook the great weight standard for deference or, worse, that the Commission abdicated its responsibilities to OP. One public comment went so far as to suggest that this entire process has been “push, policed, and manipulated” by OP. (Exhibit A-878.) This view, and others like it, is as insulting as it is wrong. As noted, the need for a complete revision to the Zoning Regulation was first identified in the Comprehensive Plan. The decision to begin that process, and every procedural and substantive decision made since that process began, was made by this Commission.

Because the Commission has no legislative staff, it relied upon OP to offer legislative options for its considerations, which may or may not have reflected OP’s own views. Through four (4) evenings in October 2014, the Commission considered all the major options before it and made its choices based its independent determination of what would best serve the public’s interest. The Commission again revisited these issues when it took proposed and final action and read every comment received from the public. Throughout its deliberations, the Commission satisfied the great weight requirement by indicating and explaining why it did or did not find OP’s recommendations persuasive. And in doing so, the Commission recognized that each word and each concept in the new Title 11 must represent the Commission’s own intent. The Commission can proudly attest that this is the case.



Having responded to the issues and concerns raised by the ANCs and OP, the Commission will respond to the major issues and concerns expressed by the public.

### **Discussion of Major Issues**

#### *New Format:*

The new format creates new zones that incorporate all the standards and boundaries of the base zones and any relevant overlays. There was concern that the merging of overlays with the underlying zone into one (1) new zone would reduce the integrity of the overlay. The Commission, however, found that the new format incorporated all the intent and purpose statements of the overlays and the base zones, and allowed for a more efficient understanding of the zone. Additionally, the boundaries of each overlay are still included within Subtitle W, and the name of the particular area is included within each new zone name.

The Commission also found the new format allowed for the establishment of new zones within appropriate subtitles, such as the new RF (flat) zones, and the adoption of general rules within one (1) subtitle, Subtitle C, that can be easily referenced. The Commission concluded that there was no loss to the integrity of the zones and that the new format would be ultimately easier to use.

#### *Accessory Apartments:*

The adopted text permits accessory apartments as a matter-of-right use subject to certain conditions in the R-1-A, R-1-B, R-2, and R-3 zones; and as a special exception in the Georgetown residential zones. Based upon the population growth of the District of Columbia and the decreased average family size, the Commission recognized the potential for accessory apartment to contribute to the housing supply in a way that maintains neighborhood character and makes efficient use of land and existing infrastructure.

Many comments expressed support for accessory apartments as a source of affordable housing or additional income for small and new households, as a way to add to the overall supply of housing, or as an advantageous way to age in place by accommodating care givers or family members within an accessory apartment on the property. In 1993, the District Department of Aging petitioned the Commission for accessory apartment to enable aging in place, and in 2000 American Association of Retired Persons (AARP) issued a model ordinance stating “*ADUs have the potential to assist older homeowners in maintaining their independence by providing additional income to offset property taxes and the costs of home maintenance and repair.*”

Others expressed concerns that there was no additional parking requirement for an accessory apartment, and that an accessory apartment would make single family neighborhoods into multi-family neighborhoods and would result in unanticipated density.

The Commission recognized that accessory apartments have been a permitted accessory use since 1958 and continue to be a valid accessory use consistent with the Comprehensive Plan Action Item H-1.5-B, which reads:

Explore changes which would facilitate development of accessory apartments (also called “granny flats” or in-law units), English basements, and single room occupancy housing units. Any changes to existing regulations should be structured to ensure minimal impacts on surrounding uses and neighborhood.

Further, the Commission’s action implements Action AC-3.1-A, which reads:

Zoning should be revised to facilitate the creation of live-work space and make it easier to use garages or accessory buildings as artist studios.

Further, there are two (2) circumstances that will limit the number of potential accessory apartments. First, the lot size data for the zones in which an accessory apartment is permitted indicated that the percentage of lots that are currently non-conforming to minimum lot area (*i.e.* lawfully contain less land area than is required) is over fifty percent (50%) of the lots in the R-2 and R-3 zones, forty-three (43%) in the R-1-B zone, and twenty-two percent (22%) in the R-1-A zone. This number is so large as to inhibit the production of accessory apartments. Second, the Commission agreed to place a limit on the total number of residents that are permitted to reside in the accessory apartment at three (3).

The Commission also added conditions to the use that will minimize impacts on surrounding uses and neighborhoods, including a limit on the size of the apartment relative to the principal structure, and establishing a minimum house size in which an accessory apartment may be located. Regarding additional parking the Commission found no submitted evidence to warrant increasing parking for an accessory apartment or evidence to document that there will be or has been an adverse impact on the surrounding neighborhood.

The Commission concluded that to have both an accessory apartment within a principal building and a second accessory apartment in the form of a domestic living quarters over a garage was not compatible with the single household character, and decided to allow only one (1) accessory apartment on the property. An accessory apartment in a detached accessory building would be permitted by right if the accessory building existed before January 1, 2013; otherwise, an apartment in a detached accessory building would be a special exception use subject to access and utility limitations.

For all these reasons, the Commission concludes that it has balanced the need to increase housing opportunities in the District with the preservation of the small scale residential character of existing neighborhoods.

### *Corner Stores:*

The existing 1958 regulations do not allow small retail uses in the residential zones. Although existing corner stores are “grandfathered”, new ones are not permitted and changes to existing ones require Board of Zoning Adjustment approval.

The initial OP proposal was to permit corner stores as a matter of right use subject to recommended conditions that address concentration, operational activities, and location and size in both the rowhouse and flat zones (R-3, R-13, R-16, R-20 and RF). OP reports and public comment in favor of corner stores highlighted that corner stores support environmental efforts to reduce car trips and hence car emissions, they support walkable communities, provide an opportunity for small grocery stores in areas having limited access to supermarkets, and support the DC Healthy Corner Store Initiative, a program of DC Hunger Solutions and an item in the Sustainable DC Plan.

There were opposing concerns expressed from the public that corner stores would alter residential neighborhoods by bringing in a commercial use, that corner stores could encourage loitering, that they would draw retail off the commercial corridor, that a grocery did not guarantee the sale of fresh food and produce, and about the by-right permission for Corner Stores to sell beer and wine for off-site consumption. OP proposed amending the advertised text to allow sales of beer and wine only by special exception and to define the term “grocery”.

The Commission reviewed maps prepared by OP that showed the potential locations of corner stores in the rowhouse and flat zones based on the recommended conditions. The Commission also recognized that there already existed several corner stores in the Georgetown historic district and, due to the tight proximity of the commercial corridors and Georgetown University, accepted a larger spacing of corner stores in the R-20 zone from the commercial zones. The Commission also recognized that Foxhall Village historic district was uniquely and purposefully developed around an existing corner store concept, and to permit corner stores by right could be incompatible with the historic character that defines the Foxhall Village historic district; therefore, in the Foxhall Village historic district, corner stores would be permitted only as a special exception.

The Commission concluded that there was public value in permitting grocery corner stores in the rowhouse and flat zones (R-3, R-13, R-16, R-20, and RF) as a matter of right use subject to conditions, and permitting other corner stores in these zones as a special exception subject to additional conditions. The Commission established a definition for grocery store and concluded that the sale of beer and wine should only be permitted as a special exception. The special exception review allows for public input and a demonstration that the corner store will not adversely impact the residential character or compete with commercial corridors.

### *Penthouses (Roof Structures):*

Although initially discussed as part of this case, the penthouse regulations were ultimately considered separately as Z.C. Case No. 14-13. Changes made to the 1910 Heights of Building

Act by the United States Congress in 2013 prompted the Commission to consider the issue as a separate case. The final text was adopted through the issuance of a notice of final rulemaking published in the January 8, 2016 edition of the *D.C. Register* at 63 DCR 390.

#### *Tree and Slope Protections:*

The adopted regulations continue to require tree and slope protection measures in the same geographical areas as required in the current regulations and are reflected in the R-6 through R-10 zones. The general rules governing tree protection are included in Subtitle C, Chapter 4. Comments were submitted recommending changes to incorporate additional definitions, standards and regulations used by the DC Urban Forestry Administration (UFA) standards and regulations. The Commission determined that the proposal exceeded the scope of the advertised text for public hearing and that they have no authority over the UFA, therefore the Commission took no action on the recommended changes. Further, to the extent that comments proposed applying tree protection to all new development throughout the District, such a regulation would not properly be considered a zoning regulation, but rather the type of general legislation that only the District of Columbia Council can, and in some measure, has promulgated.

#### *Inclusionary Zoning:*

The adopted text reflects the Inclusionary Zoning (IZ) regulations as they are in the existing Chapter 26 of Title 11 DCMR. Many public comments were made recommending changes to the IZ regulations, including deeper affordability requirements, larger percentages of units to be set aside, and application to more properties. Changes to the IZ regulations are being considered as a separate case, Z.C. Case No. 04-33G. The Commission decided to consider changes to the IZ regulations through that case and not to take separate action through this case. If the Commission issues notices of proposed and final rulemaking in Z.C. No. 04-33G, the notices will contain text for use in the 1958 Regulations as well as the regulations adopted in this order.

#### *Downtown:*

The adopted regulations expand the zoning tools of the existing Downtown Development (DD) overlay to areas identified as high density commercial or high density mixed use of the Comprehensive Plan Future Land Use Map.

Concerns were expressed that the “downtown” was being expanded into the adjoining Foggy Bottom and West End neighborhoods, and that was inconsistent with the Comprehensive Plan; that these new areas were not subject to the requirements of Inclusionary Zoning and there would be no affordable housing created; and that these areas did not have a minimum parking requirement and therefore building owners would not build parking in new construction, so parking would spill over into the adjacent residential neighborhoods.

The Commission reviewed the Comprehensive Plan and concluded that the boundaries of the new D zones did not inappropriately expand the Downtown or infringe on the Foggy Bottom /West End neighborhoods as identified in the Comprehensive Plan. The Commission was

sensitive to the issue of spillover parking and adopted a limitation on those areas where no parking minimum would be permitted, and expressly required that areas west of the centerline of 20<sup>th</sup> Street, N.W., would be subject to a parking requirement. The Commission also concluded that the new D zones that were not previously covered by the DD overlay would be subject to Inclusionary Zoning.

Currently, the Zoning Regulations incentivize the development of certain preferred uses, such as residential and arts, by allowing the owners of developments in certain locations to generate transferrable development rights (TDRs) that can be sold to properties in receiving zones to increase those properties' development rights. Also, the regulations permit two or more lots in certain areas to combine for the purposes of satisfying minimum use requirements (CLDs). The new regulations replace these two (2) systems with a single process that will recognize the creation of credits based upon the development of those same preferred uses, which, depending upon the type of use developed, will serve the same purpose as a TDR or CLD. The rules vest already allocated TDRs and CLDs and allow existing unallocated TDRs and CLDS to be converted to credits if a TDR or CLD covenant has been recorded that includes a declaration binding present and future owners to reserve and maintain in perpetuity the square footage of the uses that generated the TDR/CLD Rights for which conversion is sought.

In response to comment received, the process and terminology used for acknowledging and transferring the credits has been greatly simplified.

#### *Large Format Retail:*

The adopted text requires Large Format Retail (also commonly referred to as “big box” retail) as a special exception use. OP had not recommended the use be subject to special exception but after hearing comment from the public about the potential for adverse impacts on neighborhoods due to traffic, loading and hours of operation, as well as the potential for the use to require buildings that could easily be out of character and have unsafe streetwalls and pedestrian spaces, the Commission concluded that the use would be best assessed as a special exception.

#### *Loading:*

The adopted text modifies the existing loading requirements by allowing but no longer requiring fifty-five feet (55 ft.) deep loading berths. Comments were submitted recommending clarification of the adopted text relative to locational restrictions and special exception relief. The Commission concluded that the comments provided clarity and adopted the changes.

#### *Parking:*

The adopted text modifies the existing parking requirements and recognizes the importance and daily use of transit throughout the District. The original OP proposal recommended a removal of most required parking minimums, and a shift to how parking would be calculated for other uses.

There was much testimony from OP and the public in support of changes to the parking requirements based on the cost of parking, the impact of that cost on affordable housing, the downward trend in car ownership per household over the last decade, the increase in public transit ridership and availability of transportation alternatives, and the environmental benefits of improving surface parking lots. Additionally, several apartment building operators across the District within transit areas provided data that the utilization of their parking garages was below the amount of parking required by the current regulations. OP provided maps identifying the transit corridors and the land use and zoning within those perimeters. OP included the multiple resources and research done as part of its recommendations in their report (Exhibit A-181) and summarized it in their presentation. (Exhibit A-284 and A-284A.) The Office of Planning identified many applicable Comprehensive Plan policy and action items including the following:

Fully capitalizing on the investment made in Metrorail requires better use of the land around transit stations and along transit corridors. ... Some stations continue to be surrounded by large surface parking lots and auto-oriented commercial land uses. ...The District's Metrorail stations include 15 stations within the Central Employment Area and 25 "neighborhood" stations. Looking forward, certain principles should be applied in the management of land around all of the District's neighborhood stations. These include: • A priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking;

(LU-1.3 Transit-Oriented and Corridor Development.)

[E]ncourage the creative management of parking around transit stations, ensuring that automobile needs are balanced with transit, pedestrian, and bicycle travel needs. New parking should generally be set behind or underneath buildings and geared toward short term users rather than all-day commuters.

(LU-1.1.3 of the Central Employment Area 306.15.)

[E]nsure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be considered where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated.

(LU-2.1.11: Residential Parking Requirements 306.16.)

Opponents to the parking changes expressed concern about existing and anticipated spillover into neighborhoods of cars looking for on-street parking because there would be less parking in the buildings, the fact that many Washington neighborhoods were built without parking, and the on-street spaces already are in high demand, OP did not provide sufficient research to justify the



proposals, and that the cost saving of not providing parking would not be felt in the cost of housing.

The Commission asked OP to revisit its recommendations for new minimum parking requirements for clinics, medical offices, public libraries, public recreation facilities, public community centers armory, child development centers, public schools, places of worship, and private schools; to look at prohibiting garage parking in the front of rowhouses; to examine whether the reduced parking permission for areas proximate to Priority Bus Corridors (PCBs) may be tied to a requirement that the site be ineligible for Residential Parking Permits (RPP); to revisit removal of the minimum parking requirement for all uses in the Capitol Gateway, Southeast Federal Center, and MU-11 (W-0) zones; and to include affordable housing as a condition for consideration for relief. The Commission also asked OP to look at compact parking policies in surrounding jurisdictions. OP responded to these requests in a memorandum dated November 14, 2014 (Exhibit A-890.) OP proposed modifications to the parking requirements for the uses identified by the Commission which raised the parking requirement from the initial OP recommendation.

After considering all the testimony, information, and the direction provided by the Comprehensive Plan, the Commission took action on the modified parking standards and decided to not change the method of calculation for places of worship and public schools as set down by OP, but to retain the existing method, to require parking west of 20<sup>th</sup> Street, N.W. in the D zones; to permit a reduction in parking requirements within a one-half ( $\frac{1}{2}$ ) mile of a Metro station and within a one-quarter ( $\frac{1}{4}$ ) mile of a street car line or PBC identified as of the effective date of the new zoning regulations; and, with the condition that there be no RPP for the building (the Commission recognized the different character of parking in the single family zones and did not permit the reduction in the R-1 through RF zones), allow for off-site parking, shared parking, car share spaces, and automated parking, and other proposals that increased the efficient use of areas used for parking. The Commission also concluded that certain landscape standards relative to parking lots provide environmental benefits that are in the best interests of the city and are consistent with the direction of the Comprehensive Plan. Finally, the Commission accepted a submitted recommendation to permit use of automated parking instead of mechanical parking and that the existing definitions of “garages” be maintained.

#### *Uses:*

The adopted text includes changes in how many uses are permitted. Some uses permitted as a special exception in the existing 1958 regulations will be permitted as a matter of right such as health care facilities in mixed-use zones; some uses permitted as a matter of right in the existing 1958 regulations will be permitted by special exception, such as Large Format Retail or nightclubs in PDR zones; some uses that were not permitted in the existing 1958 regulations will be permitted as a special exception, such as corner stores in rowhouse zones and animal care in certain mixed use zones; some uses will no longer be permitted as either a matter of right or a special exception, such as residential use of alley lots in the R-1 and R-2 zones and private clubs in the RF zones.

There were comments that the use changes being considered by the Commission removed a community's ability to weigh in on many uses in their community. There were also comments in opposition to the recommendation to allow an increase in non-residential use in the MU-4 and MU-5 zones. The increase would allow non-residential uses to go from a floor area ratio (FAR) of 1.5 to 2.0 for lots ten thousand square feet (10,000 sq. ft.) or less in area, provided that the extra .5 FAR was on the ground floor or floor immediately above. The Commission asked OP to provide a list of the use changes, which OP supplied as Exhibit A-1101. As noted, OP confirmed in its report that any use requiring a special exception or variance would continue to permit full public input through the Board of Zoning Adjustment (BZA) hearing process.

The Commission concluded that in Mixed-Use use groups MU-Use Group C, MU-Use Group D, MU-Use Group E, and MU-Use Group F, when a matter of right use does not meet its required conditions, an owner could apply for approval as a special exception, except for drive-through facilities in MU-Use Group C, the installation of auto accessories and fast food in MU-D, and firearm sale establishments in MU-Use Group E and MU-Use Group F.

The use formerly known as a Community Based Residential Facility was eliminated and replaced with a use known as a Community Based Institutional Facility (CBIF). The scope of the new CBIF use was limited to the housing of persons who were involuntarily placed in those facilities as part of their involvement with the juvenile or criminal justice systems. Consistent with the Fair Housing Act, all housing for persons with disabilities is recognized as coming under the "residential" use category. The definition of "household" includes a category to encompass a residential facility providing housing for up to six (6) persons with disabilities and two (2) caregivers.

Regarding uses in the Production Distribution and Repair (PDR) zones (the CM and M zones in the existing regulations), the Commission was concerned about the impact of certain uses when they are adjacent or in close proximity to residential properties. The Office of Planning worked with ANC 4B specifically on several of these uses and recommended that a distance be required between certain uses such as auto repair, night clubs and venues with live performances and residential properties. The Commission determined separation of these uses from residential properties was necessary and adopted the proposals in Subtitle U §§ 801.1 and 802.1. Additionally, OP recommended expanding the provisions of the existing Langdon Overlay to all properties in a PDR zone.

#### *Langdon Overlay:*

The Office of Planning reviewed the Langdon Overlay (LO) in the existing regulations and found the overlay purposes and conditions to be an effective way to provide buffer and protections for residential communities when they are adjacent to industrial lands. OP proposed the conditions be expanded to all industrial lands. The Commission agreed and the adopted text applies the transition and screening standards to all industrial lands in Subtitle J § 207, and the uses limitations in Subtitle U §§ 800.4 and 803.

### *Planned Unit Developments (PUD):*

The adopted text includes procedural changes to the PUD process including defining different types of modifications, detailing when a modification will require a public hearing, establishing a uniform increase in PUD-related FAR of twenty percent (20%), and setting new standards for the Commission when they consider a requested reduction of minimum land area requirements. There were comments submitted that suggested language be added to require a showing of need relative to proffering social services, require a commitment to the maintenance of proffered benefits, and require affordable housing as a basis for reducing the minimum land area. The Commission agreed with the suggestions that clarified maintenance and showing of need but did not change the standards for considering a reduction in minimum land area except to include the language “after the public hearing.” The Commission concluded that the adopted text maintained the balancing test necessary for the Commission in determining a PUD and provided additional clarity in considering modifications and extension requests.

### **Conclusion**

Having held no less than thirty-seven (37) public hearings and thirty-two (32) public meetings on the comprehensive revisions of the Zoning Regulations since work began on the proposal in 2007 and received over one thousand (1,000) exhibits into the record, the Commission now concludes these cases. In doing so, the Commission exceeded the standards for public notice and participation required under District law. The Commission held hearings in the Wards of this City and held a specific hearing just to hear the concerns of the ANCs. The Commission offered a final hearing in September of 2015 to allow anyone who had not yet testified an opportunity to do so. As noted, just six (6) individuals availed themselves of that opportunity. The Commission is confident that everything that could be said has been said. And, based upon its review of the public comments, which reflect a thorough understanding of all that was proposed, the Commission is satisfied that the public outreach offered by OP succeeded.<sup>5</sup>

The Commission notes that the rules it adopts through this Order are not set in stone. As with the 1958 regulations it replaces, the new Title 11 will doubtless be the subject of numerous amendments over the years, for which any member of the public may petition. Further, the Commission will carefully monitor the effect of the changes made and will not hesitate to revise any provision when necessary, and will do so on an emergency basis if circumstances warrant.

Finally, and most importantly, the Commission concludes that the zoning text and map amendments it adopts through this Order are not inconsistent with the Comprehensive Plan for the National Capital and fulfill the very purpose for which this Commission was established in

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<sup>5</sup> As noted earlier, OP attended and made presentations at eighty-one (81) community meetings and forty-three (43) ANC meetings, as well sixteen (16) meetings hosted by OP. The sixteen (16) OP-hosted meetings fell into two (2) categories. The first category were meetings hosted by OP within District communities. One (1) community meeting with a full presentation followed by a Q and A session was held in each of the District’s eight (8) Wards. The second category consisted of eight (8) open houses where OP staff was available for walk-in questions. Five (5) such open houses were held at the OP offices while the other three (3) were held in the Petworth Library, the Deanwood Recreation Center, and the Thurgood Marshall Academy.

1920; namely, to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the District of Columbia, and its planning and orderly development as the national capital. D.C. Official Code § 6-641.01.

**The Zoning Map is proposed to be amended as follows:**

1. The rezonings that follow do not affect any related map amendment granted as part of a PUD. If a property is subject to a PUD, and a related map amendment has been granted, the Zoning Map will identify the applicable zone district as identified below, but will also indicate the PUD related zoning that is in place.
2. Amend the Zoning Map to change all existing references to the Current Zone Names to the Proposed Zone Names as listed in the following table:

Current Zone Name	Proposed Zone Name
R-1-A/D	R-1-A
R-1-B/D	R-1-B
R-2/D	R-2
R-3/D	R-3
R-1-A/TSP	R-6
R-1-B/TSP	R-7
R-1-A/FH-TSP	R-8
R-1-B/FH-TSP	R-9
R-2/FH-TSP	R-10
R-1-A/NO/TSP and R-1-A/NO/TSP/D	R-11
R-1-B/NO and R-1-B/NO/D	R-12
R-3/NO	R-13
R-1-A/WH	R-14
R-1-B/WH	R-15
R-3/FB	R-17
R-1-B/SSH1	R-16
R-1-B/SSH2	
R-1-A/CBUT	R-21
R-4	RF-1
R-4/D	RF-1
R-4/DC	RF-2
R-4/CAP	RF-3
R-5-A	RA-1
R-5-B	RA-2
R-5-C	RA-3
R-5-D	RA-4
R-5-E	RA-5
R-5-A/NO	RA-6
R-5-B/CAP	RA-7
R-5-B/DC	RA-8
R-5-D/DC	RA-9
R-5-E/DC	RA-10

Current Zone Name	Proposed Zone Name
SP-1	MU-1
SP-2	MU-2
C-1	MU-3
C-2-A	MU-4
C-2-B	MU-5-A
C-2-B-1	MU-5-B
C-2-C	MU-6
C-3-A	MU-7
C-3-B	MU-8
C-3-C	MU-9
CR	MU-10
W-0	MU-11
W-1	MU-12
W-2	MU-13
W-3	MU-14
SP-1/DC	MU-15
SP-2/DC	MU-16
C-2-A/DC	MU-17
C-2-B/DC	MU-18
C-2-C/DC	MU-19
C-3-B/DC	MU-20
C-3-C/DC	MU-21
CR/DC	MU-22
SP-2/CAP	MU-23
C-2-A/CAP	MU-24
C-2-A/CHC	MU-25
C-2-A/CAP/CHC	MU-26
C-2-A/NO	MU-27
C-3-A/FT	MU-28
CR/FT	MU-29
C-1/MW	NC-1
C-2-A/TK	NC-2
C-2-A/CP	NC-3
C-2-A/WP	NC-4
C-2-B/WP	NC-5
C-3-A/ES	NC-6
C-2-A/GA	NC-7
C-3-A/GA	NC-8
C-2-A/HS-H	NC-9
C-2-B/HS-H	NC-10
C-2-C/HS-H	NC-11
C-3-A/HS-H	NC-12
C-3-B/HS-H	NC-13
C-2-A/HS-A	NC-14
C-3-A/HS-A	NC-15
C-2-A/HS-R	NC-16
C-2-B/HS-R	NC-17
CM-1	PDR-1
CM-1/LO	PDR-1

<b>Current Zone Name</b>	<b>Proposed Zone Name</b>
CM-2	PDR-2
CM-3	PDR-3
M	PDR-4
CM-1/CAP	PDR-5
CM-1/FT	PDR-6
M/FT	PDR-7
SEFC/CR	SEFC-1
SEFC/R-5-E	SEFC-2
SEFC/R-5-D	SEFC-3
SEFC/W-0	SEFC-4
CG/R-5-E	CG-1
CG/C-2-C	CG-2
CG/C-3-C	CG-3
CG/CR	CG-4
CG/W-2	CG-5
CG/W-1	CG-6
CG/W-3	CG-7
C-2-A/ARTS	ARTS-1
C-2-B/ARTS	ARTS-2
C-3-A/ARTS	ARTS-3
CR/ARTS	ARTS-4
R-5-B/RC	RC-1
C-2-A/RC	RC-2
C-2-B/RC	RC-3
HR/SP-2	D-2

3. Amend the Zoning Map to change the following squares or portions of squares currently in the R-1-B Zone District to the R-19 Zone District:

<b>Squares East side of Wisconsin Avenue, N.W.</b>	<b>Squares West side of Wisconsin Avenue, N.W.</b>
1312, 1312S	1280 through 1282
1313	1254 through 1256
1320	1285

4. Amend the Zoning Map to change the following squares or portions of squares currently in the R-3 Zone District to the R-20 Zone District:

<b>Squares East side of Wisconsin Avenue, N.W.</b>	<b>Squares West side of Wisconsin Avenue, N.W.</b>
1201 through 1206	1208 through 1215
1218 through 1223	1232 through 1243
1226 through 1231	1256 through 1262
1244 through 1248	1266 through 1271
1253 through 1255	1280
1272 through 1274	1282 through 1284
1277 through 1279	
1290, 1291	
1293 through 1298	



Squares East side of Wisconsin Avenue, N.W.	Squares West side of Wisconsin Avenue, N.W.
1296E, 1296S, 1296SS	
1302 through 1311	
1308S, 1311S	

5. Amend the Zoning Map to change Squares 646 and 648 in the C-3-A Zone District to the D-5 Zone District.
6. Amend the Zoning Map to change Square 649 from the C-3-A and CG/C-3-C Zone Districts to the D-5 Zone District.
7. Amend the Zoning Map to change squares or portions of Squares 695NW, 695W, 695, 696, 697, 697N, 699, 699N, 698, 737N, 737, 738, 739, 740, 741, 742, 743N, and 766 in the CG/C-3-C Zone District to the D-5 Zone District.
8. Amend the Zoning Map to change squares or portions of Squares 624, 563, 564, 566, and 568 in the HR/C-3-C and C-3-C Zone Districts to the D-4 Zone District.
9. Amend the Zoning Map to change Square 482 and those portions of Squares 449, 514, and 524 in the DD/R-5-B Zone District to the RA-2 Zone District.
10. Amend the Zoning Map to change squares or portions of Squares 449, 514, and 524 in the DD/C-2-C Zone District to the D-4-R Zone District.
11. Amend the Zoning Map to change squares or portions of Squares 449, 482, 514, and 524 from the DD/R-5-B Zone District to the RA-2 Zone District.
12. Amend the Zoning Map to change squares or portions of Squares 246 and 282 from the DD/R-5-E Zone District to the D-1-R Zone District.
13. Amend the Zoning Map to change squares or portions of Squares 247, 283, 453, 485, and 517 from the DD/R-5-E Zone District to the D-1-R Zone District.
14. Amend the Zoning Map to change portions of Square 369 from the DD/C-2-A Zone District to the MU-4 Zone District.
15. Amend the Zoning Map to change squares or portions of Squares 247, 283, 284, 316, 342, 369, 370, 401, 425, 449, 450, 451, 482S, 484, 485, 486, 514, 515N, 515, 516, 516S, 517, 518, 524, 525, 526, 527, 528, 529, 556, and 558 from the DD/C-2-C Zone District to the D-4-R Zone District.
16. Amend the Zoning Map to change portions of Square 450 from the DD/C-3-A Zone District to the MU-7 Zone District.

17. Amend the Zoning Map to change squares or portions of Squares 315, 317, 342, 343, 344, 371, 372, 373, 374, 402, 426, 428, 452, 453, 483, and 484W from the DD/C-3-C Zone District to the D-5-R Zone District.
18. Amend the Zoning Map to change squares or portions of Squares 377, 406, 407, 408, 431, 432S, 454, 455, 456, 457, 458, 459, 460, and 491 from the DD/C-4 Zone District to the D-6-R Zone District.
19. Amend the Zoning Map to change squares or portions of Squares 223, 224, 252, 253, 288, 289, 290, 319, 320, 321, 345, 346, 347, 375, 376, 378, 405, 429, 429S, and 430 from the DD/C-4 Zone District to the D-7 Zone District.
20. Amend the Zoning Map to change squares or portions of Squares 225, 254, 254S, 291, 322, and 348 from the DD/C-5 Zone District to the D-7 Zone District.
21. Amend the Zoning Map to change squares or portions of Squares 565, 567, 569, 570, 571, 572, 572S, 573, 574, 625, 626, 627, 628, 629, 630 from the HR/C-3-C Zone District to the D-3 Zone District.
22. Amend the Zoning Map to change squares or portions of Squares 563, 564, 566, 568, 624, and 624W from the HR/C-3-C Zone District to the D-4 Zone District.
23. Amend the Zoning Map to change squares or portions of Squares 170, 171, 172, 173, 183, 184, 185, 186, 197, 198, 199, 200, 487, 488, 489, 487E, 488E, 489E, 530, and 531 from the SP-2 Zone District to the D-2 Zone District.
24. Amend the Zoning Map to change squares or portions of Squares 353, 354, 412, 426, 435, 492S, 492, 534, 535, 577, 579, 581, 583N, 580N, 582, 638, 640, 641, and 3584 from the C-3-C Zone District to the D-4 Zone District.
25. Amend the Zoning Map to change squares or portions of Squares 72, 73, 74, 76, 78, 85, 86, 99, 100, 117, 118, 141, 168, 169, 267, 268, 285, 299, 327, 386, 387, 403, 404, 435 (record lot 61), 463, 463S, 464, 465, 466, 493, 494, 495, 536, 537, 538, 646, 648, 649, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 694, 695, 695W, 695NW, 696, 697N, 697, 699, 699N, 709, 710, 710E, 711, 712, 713, 715, 738, 740, 737N, 737, 739, 741, 743N, 766, and 836 from the C-3-C Zone District to the D-5 Zone District.
26. Amend the Zoning Map to change squares or portions of Squares 105, 106, 107, 126, 127, 140, 141, 142, 161, 162, 163, 164, 165, 166, 168, 183, 184, 185, 185W, 186, 197, 198, 200, 213, 214, 215, 216, 217, 218, 218W, 219, 220, 222, 247, 248, 249, 250, 251, 284, 285, 286, 287, 318, and 323 from the C-4 Zone District to the D-6 Zone District.
27. Amend the Zoning Map to change Square 160 from the DC/C-4 Zone District to the D-6 Zone District.

28. Amend the Zoning Map to change squares of portions of Squares 325, 326, 351N, 351, 352, 383, 384, 385, 409, 410, 433, 434, and 462 from unzoned to the D-8 Zone District.
29. Amend the Zoning Map to change Square 116 from the DC/C-3-C Zone District to the D-5 Zone District.

**The following amendment to the Zoning Regulations is proposed:**

**Title 11 DCMR, ZONING, is repealed in its entirety and replaced by the following subtitles, the text of which follows behind this notice:**

## **TITLE 11 ZONING REGULATIONS OF 2016**

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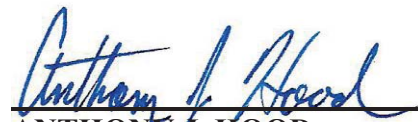
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On December 11, 2014, upon the motion of Commissioner May, as seconded by Chairman Hood, the Zoning Commission **APPROVED** the petition its special public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On January 14, 2016, upon the motion of Chairman Hood, as seconded by Vice Chairperson Cohen, the Zoning Commission **ADOPTED** this Order at its special public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on March 4, 2016.



ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION



SARA A. BARDIN  
DIRECTOR  
OFFICE OF ZONING

## APPENDIX A: SUMMARY OF MAJOR CHANGES TO EXISTING REGULATIONS

Note: This table does not include every change, but simply summarizes major changes to the regulations adopted through Z.C. Case No. 08-06A.

<i>Topic</i>	<i>Change to Regulations</i>
<b>Format</b>	Reorganization of Title 11 DCMR including new zone groups and names, and organized into subtitles, as detailed below.
	Residential House (R) zones include those zones that permit a single household dwelling as a principal use; these are currently the R-1, R-2 and R-3 zones. The zones continue to be divided by detached, semi-detached and attached dwellings. Maintain the zone names for the R-1-A, R-1-B, R-2, and R-3 zones.
	Residential Flat (RF) zones include those zones that permit more than one household as a principal use; these are currently the R-4 zone which permits two dwelling units per building, and two new RF zones that would permit three and four units per building; attached dwellings (a.k.a. rowhouses) continue to be the predominate housing type.
	Residential Apartment (RA) zones include those residential zones that permit buildings of more than four dwelling units per building which are currently the R-5 zones.
	Two new Residential House (R-19 and R-20) zones are created for the residential area of the Georgetown Historic district.
	Mixed Use (MU) zones include those zones that permit both residential and commercial uses by right and which are currently the C, SP, W, and CR zones.
	Neighborhood Mixed Use (NC) zones include those zones that permit both residential and commercial uses by right and are covered by existing neighborhood commercial overlays, these are currently C-1, C-2, and C-3 zones and the CP, WP, MW, ES, TK, HS, and GA overlays.
	Production Distribution and Repair (PDR) zones include those zones that permit industrial and commercial uses; these are currently the CM and M zones. Within the PDR zones: <ul style="list-style-type: none"> <li>Floor Area Ratio requirements are modified to maintain industrial use;</li> <li>A Transition Setback (Buffer) is required along any industrial lot line adjacent to residential lot lines or separated by an alley; and</li> <li>New special exception required for: Eating and Drinking Establishments and Entertainment uses that include night club/dancing activities, and Auto repair uses within 200 feet of Residential zones or residential uses.</li> </ul>
	Subtitle K contains zones that are tied to special planning initiatives and small area plans including the Southeast Federal Center (SEFC), Union Station North (USN), St. Elizabeth's (StE), Reed-Cook (RC), Capitol Gateway (CG), and Hill East (HE).
	All overlay zones and their underlying base zones have been incorporated into unique zones retaining the purposes, protections, and geographic boundaries except for the elimination of the D, Diplomatic Overlay and elimination of the HR, Hotel-Residential Incentive Overlay.
	Downtown (D) zones include those zones currently covered by the Downtown Development (DD) overlay and those lands identified for high-density commercial use on the Future Land Use Map of the Comprehensive Plan. Within the D zones, changes include: <ul style="list-style-type: none"> <li>Consolidation and simplification of regulations for 20+ zones into 10 zones in one subtitle;</li> <li>Maintain all existing commercial and residential entitlements;</li> <li>Upgrade Transferrable Development Rights (TDR) and Combined-lot developments (CLD) with more flexible Credit systems and maintain relative value of CLDs and TDRs;</li> </ul>

	<ul style="list-style-type: none"> <li>• Tie increased floor area ratio and heights to provision of housing; new D zones (that were not previously identified as in the DD overlay) subject to requirement of Inclusionary Zoning;</li> <li>• Require, not incent, existing preferred ground floor uses on some current and additional streets; and</li> <li>• Identification of new trade areas for Credits.</li> </ul>
<b>Definitions</b>	Add new definitions and remove obsolete definitions such as “ice sales” and “penny arcade”.
	Remove the inclusion of side yards and courts from the definition of “Building Area” so there is no incentive to fill in these open spaces with building.
<b>Development Standards</b>	Establish new front yard setbacks in residential zones to foster consistent street wall and neighborhood character.
	Unify the court requirements in the multi-family zone to one consistent standard.
	Minimum lot dimensions apply only for creating new lots.
	Allow non-conforming buildings to have an addition or expansion that conforms to use and development requirements.
	Allow special exception relief to development standards instead of variance.
<b>Uses</b>	Create Use Categories, such as retail or financial services that encompass similar uses that are currently enumerated in a list.
	Limit Accessory Apartments to one in the R zones, remove minimum lot area requirement and reduce minimum house area from 2,000 sq. ft. to 1,200 sq. ft. Allow Accessory Apartments in accessory buildings.
	Require new special exceptions for the following uses: <ul style="list-style-type: none"> <li>• Big Box Retail, larger than 50,000 sq. ft.;</li> <li>• Auto Repair in PDR zones within 200 ft. of an R zone;</li> <li>• Nightclubs, Bars in PDR zones;</li> <li>• Camping in Alley Lots in R-3, RF, RA, and MU zones; and</li> <li>• Non-matter-of right University use in MU-3 and MU-4 zones.</li> </ul>
	Allow an additional 0.5 FAR for non-residential uses in MU-4 and MU-5 zones on lots 10,000 sq. ft. or less; uses limited to ground floor and below and may not include eating or drinking establishments.
	Change the Community-Based Residential Facilities to Community-Based Institutional Facilities.
	Allow Corner Stores in the R-3 and RF zones both as a matter of right and special exception subject to conditions, allow residential above, permit beer and wine sales only by special exception and limited to 15% of sales floor.
	In all PDR zones require Standards of External Effects and buffers; establish an FAR maximum for non-industrial uses.
	No longer allow private club use, museum use, or boarding houses with more than 8 residents in RF zones.
<b>Alley Lots</b>	Do not allow residential use on alley lots in the R-1-A, R-1-B, or R-2 zones.
	Allow building on alley lots as a matter of right subject to yard, setback, and height requirements.
<b>Off-Street Parking Requirements</b>	Consolidation of many of the standards.
	One-family dwellings – Retained parking requirement provided there is alley access; optional if there is no alley access.
	Multi-family buildings – No requirement for building with four or fewer units; one space



	per three units after four units for larger buildings.
	Downtown – no minimum parking requirement except west of 20 <sup>th</sup> Street, N.W.
	Schools – maintain current requirements.
	Metro and Streetcar Proximity – within ½ mile of a metro station or ¼ mile of a priority Bus Corridor or streetcar line, lessen required parking to 50% of zone requirement.
	Allow parking to be located off-site.
	Allow shared parking.
	Require Car-share spaces.
	Update compact parking standards.
	Require more landscaping for surface parking lots.
	Require special exception for large surface parking lots.
	Require updated bike parking spaces and support facilities.
<b>Loading</b>	Remove 55-ft. truck bay requirements.
	Allow sharing of loading facilities between uses within a building.
<b>GAR</b>	Green Area Ratio – Revise calculation for vegetated walls and revise credit system to credit new trees based on mature canopy spread.
<b>Procedures</b>	Campus Plans <ul style="list-style-type: none"> <li>• Limitations on adjunct commercial uses and sizes;</li> <li>• Detailed requirements for counting students; and</li> <li>• Exclude DCPS students from counts.</li> </ul>
	Chanceries – Clarify process and standards for reviewing chanceries.
	Planned Unit Developments <ul style="list-style-type: none"> <li>• Include all references from other zones;</li> <li>• Establish a straight 20% FAR bonus instead of the variable FAR increases currently used;</li> <li>• Limitations and standards on extensions and modifications; and</li> <li>• Eliminate the minimum percent of land area that may be requested for waiver.</li> </ul>
	Design Review <ul style="list-style-type: none"> <li>• Establish design review referral to NCPC or Architect of the Capitol for areas identified for federal interest; and</li> <li>• Maintain Commission review over design in identified areas.</li> </ul>
	Zoning Commission and Board of Zoning Adjustment Procedures <ul style="list-style-type: none"> <li>• Modified to reflect current practices and electronic filing procedures; and</li> <li>• Establish a system for reviewing party status requests prior to hearing at the request of the applicant.</li> </ul>
<b>Miscellaneous</b>	Incorporate new requirements for conversion of rowhouses in the RF zones from Z.C. Case No. 14-11, penthouses from Z.C. Case No. 14-13, the creation of the new C-2-B-1 zone from Z.C. Case No. 14-16 and the Walter Reed zones from Z.C. Case No. 14-22, and other text amendments adopted since the case was set down.

## APPENDIX B: ZONING COMMISSION RESPONSES TO ANC ISSUES AND CONCERNS

ANC	Exhibit #	Subtitle	Comment	Response
1A	283		<p>We resolve to submit our concern based on solid evidence that the Zoning Rewrite process does not allow for meaningful public participation or proper review of the draft regulations as this draft was only recently submitted by OP to the Zoning Commission, and printed drafts were only recently made available at public libraries, and we respectfully request the Zoning Commission to postpone any rulemaking regarding OP's draft zoning amendments, and keep the record completely open for at least 180 days, or until a much more robust and fair review can be had so that a thoughtful and thorough response from the public, including this Advisory Neighborhood Commission, can be delivered for deliberations by the District of Columbia Zoning Commission, and We respectfully request the Office of Planning to visit our community for public community consultations and meetings to discuss the impacts of the draft regulations, both City-wide and specific to our neighborhood, so we can understand the full scope of the zoning rewrite to provide informed feedback to the Zoning Commission. We want the same treatment from the Office of Planning as that received by the Georgetown ANC over the past year.</p>	<p>The ZRR process has been well-publicized and has included extensive community outreach, as follows:</p> <ul style="list-style-type: none"> <li>• June/July 2007 –Commission roundtables.</li> <li>• 2008 to 2011 – 81 public work group meetings were held on 20 topic areas, with over 1,000 participants.</li> <li>• 2007 – 2013 – OP created a Task Force of 25 residents – met 42 times.</li> <li>• 2008 – present – The Commission held 59 public hearings and meetings, to provide guidance and, in some cases, approve proposed text.</li> <li>• December 2012 – January 2013 – Public meetings, one in each ward (eight public meetings, two twitter townhall meetings).</li> <li>• 2008 – present – Over 100 meetings with ANCs, community groups and special interest groups.</li> </ul> <p>On September 9, 2013, the Commission set down the proposed ZRR text for public hearings and has held 15 public hearings since November 2013. The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.</p>
1A	471		<p>ANC 1A supports a new zoning code that will let D.C. grow in a sustainable way that doesn't create new traffic or parking problems, but meets the needs of current and future residents. Allowing a homeowner to rent out a basement or garage to help pay the mortgage, give a young person the opportunity to live in the neighborhood, and let seniors age in place in their own homes benefits all residents. Easing parking requirements in downtown areas and along busy transit corridors will help to create and</p>	<p>The Commission believes this goal has been met.</p>

ANC	Exhibit #	Subtitle	Comment	Response
			preserve walkable, vibrant neighborhoods and provide more accessible housing options for more people. ANC 1A asks the Zoning Commission to adopt these provisions to an updated zoning code.	
1B	534	G	The ANC proposes and recommends that the Zoning Commission adopt a policy whereby a developer who proposes to build space for a large retailer must secure a special exception, allowing for ANCs to hold community hearings and make a recommendation, before proceeding with said development.	The Commission approved large format retail provisions which relate to single tenant spaces of 50,000 sq. ft. or greater.
1C	483		ANC 1C requests that the Zoning Commission (i) keep the record open on the proposed ZRR for an additional 120 days so that the public and ANCs can submit comments, and (ii) postpone any decisions on the proposed ZRR until after the extended period for public comment is closed. ANC 1C requests that the Zoning Commission take the opportunity afforded by the Zoning Regulation Rewrite (“ZRR”) to amend its regulations to allow more time, 30 days, prior to a scheduled hearing for ANC’s and the public to review and consider such reports, recommendations and subsequently submitted probative materials, that are sent after the initial deadline was met.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.
1C	691	F	ANC 1C commends OP for having dropped the proposal to allow new commercial and office uses to intrude into residential neighborhoods under the new “A” zoning, Urges the Zoning Commission to reject any suggestion that those uses be reinstated in whole or in part, Notes, however, that in other respects, the “A” zoning is inadequate to protect those rowhouse neighborhoods from “pop-ups” and other grossly excessive over-redevelopment, and should be considered for downzoning in appropriate areas.	The Commission did not modify the development standards for the R-5-A (RA-1) apartment zones — development other than a detached or semi-detached building will continue to require Board and neighborhood review. As to issue of “pop-ups,” the RA zones are apartment zones and are not the same as rowhouse zones. Because they are different, the development standards are different and density is calculated differently — in RA apartment zones, density is calculated by FAR and the maximum number of units is determined by size and Building Code requirements; in the single household (R-1, R-2) and rowhouse zones, density is calculated by the number of principal units per lot.

ANC	Exhibit #	Subtitle	Comment	Response
				This fundamental difference in the apartment zones makes using the “pop-up” restrictions of the rowhouse zones impractical.
1C	691	C	ANC1C calls on the District to strengthen its inclusionary zoning regulations by (i) establishing formulas for determining the amount of a building that must be set aside for inclusionary zoning that would make the District a leader in the nation, and (ii) lowering the thresholds of Area-Median-Income to which inclusionary zoning units must be accessible so as to take account of the fact that the Area-Median-Income figures for the District are unusually high due to the atypical concentration of high-income-earning residents who live in the surrounding metropolitan area.	The Commission did not make the suggested amendments to the regulations regarding Inclusionary Zoning, but decided instead to simply recodify the existing IZ regulations into the ZRR format. However, as of the date of the final action in ZRR, income-related amendments to IZ are being reviewed as Z.C. Case No. 04-33G, separate from the ZRR.
1C	691	G	ANC1C recognizes that the Reed-Cooke Overlay District came into existence as the result of laborious grass-roots efforts by local resident volunteers. ANC1C recognizes that other Overlay Districts within the city share a comparable history, and accordingly feels that the special status of Overlay Districts should be reflected in the organizational structure of the Zoning Regulations. ANC1C calls on the Zoning Commission to preserve the existing Zoning Overlay Districts in a separate Subtitle within the Zoning Regulations Rewrite. Within such Subtitle, there could be one Chapter for each of the current Overlays. Overlays that contain multiple zoning districts, could then have Sub-Chapters for each of those zones. In that manner, readers would still be able to refer to just a single Chapter (or Sub-Chapter) for all of the information pertaining to the lot they are interested in. But at the same time, it would remain clear that the characteristics of their lot are tied to the characteristics of other nearby lots based on their common history as part of an Overlay.	Based on comments received, the Reed-Cooke Overlay provisions have been consolidated in Subtitle K, zones RC-1, RC-2, and RC-3.

ANC	Exhibit #	Subtitle	Comment	Response
1C	691	G	<p>ANC 1C requests the Zoning Commission, as regards to at least zones M-4, M-5, M-33 and M-34, the mixed use zones applicable to Adams Morgan, to:</p> <ul style="list-style-type: none"> <li>• Restore the 60% and 80% lot occupancy maximums;</li> <li>• Provide for rear setback from the rear lot line for all portions of a building; and</li> <li>• Eliminate any increase in permissible non-residential FAR.</li> </ul>	<p>The Commission has not eliminated the 60% and 80% lot occupancy maximums for residential uses in the MU-4 and MU-5 zones and has maintained the 15 ft. rear yard. The adopted regulations allow an existing building on a lot with an area 10,000 sq. ft. or less, may have a maximum FAR of 2.0 for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story to encourage the commercial use of existing buildings on small lots. The required rear yard (formerly referred to as the “rear yard”) will be measured consistent with the recommendation. See Subtitle B § 318.</p>
1C	691	E	<p>ANC 1C welcomes the proposed two new rowhouse zones RF-4 and RF-5, urges the Zoning Commission to:</p> <ul style="list-style-type: none"> <li>• Eliminate the proposed commercial and other non-residential uses from the two new rowhouse zones RF-4 and -5 as well as from any RF-1 district resulting from future downzoning from and R-5 district;</li> <li>• Strike Subtitle E § 504.4;</li> <li>• Strike Subtitle E § 600; and</li> <li>• Set an FAR limit of 1.8 for the proposed RF-4 and -5 zones.</li> </ul>	<p>The Commission did not find the ANC’s advice persuasive and the adopted regulations permit corner store uses in the RF zones. The regulations include conditions that will mitigate against any potential adverse impacts and these establishments will benefit the neighborhoods they serve. There is no FAR for detached, semi-detached, row dwellings, flats, or places of worship in the RF-4 and RF-5 zones; however, the maximum density for all other structures is 1.8 FAR.</p>
1C	691	F, G	<p>ANC 1C urges the Zoning Commission to limit the height of roof structures in the A and M zones to 10 feet, and apply the side-wall setback formula provided in Subtitle C § 505.2(e) in place of the corresponding setback formula in the roof structure provisions for the A and M zones.</p>	<p>The Commission addressed the ANC’s concerns in Z.C. Case No. 14-13. The amendments adopted in that case have been re-codified into the adopted new Title 11.</p>
1C	959	Y	<p>ANC 1C recommends that the ZRR (08-06) adopt the Issuance of Orders submission date requirements for the Board of Zoning Adjustment (BZA) as used by the Zoning Commission, under 11 DCMR § 3028.5, which requires that all order must be issued within 45 days after its vote.</p>	<p>The Commission did not add the requested language. 88% of Board orders are served within 3.5 days of decision. OAG must ensure full orders are legally sufficient and, therefore, these orders are more time-consuming to issue.</p>

ANC	Exhibit #	Subtitle	Comment	Response
1C	959	G, K	Requests the Zoning Commission, as regard at least to zones MU-4, MU-5, RC-2 and RC-3, the mixed use zones applicable to Adams Morgan, to restore the 60% and 80% lot occupancy maximums, provide for rear setback from the rear lot line for all portions of a building, and eliminate any increase in permissible non-residential FAR.	<ul style="list-style-type: none"> <li>• MU-4 and MU-5: lot occupancy remains at 60% and 80% respectively; rear yard minimum of 15 ft. is required (<i>See</i> Subtitle G.).</li> <li>• RC-2 and RC-3: lot occupancy remains at 60% and 80% respectively; the Commission decided to maintain rear yards ( which continue to be measured from the structure outward) instead of rear setbacks (which were proposed to be measured from the property line inward) and in these zones the rear yard minimum of 15 ft. is required (<i>See</i> Subtitle K.).</li> <li>• There is an increase in FAR of 0.5 for lots less than 10,000 sq. ft. in area, but to address the concerns about increasing eating and drinking space, eating and drinking uses may not use the additional 0.5 FAR.</li> </ul>
1C	959	F	The proposed “RA” zoning is inadequate to protect those rowhouse neighborhoods from "pop-ups" and other grossly excessive over-redevelopment, and should be considered for downzoning in appropriate areas.	The RA zones are apartment zones and are not the same as rowhouse zones. Because they are different, the development standards are different and density is calculated differently — in RA apartment zones, density is calculated by FAR and the maximum number of units is determined by size and Building Code requirements; in the single household (R-1, R-2) and rowhouse zones density is calculated by the number of principal units per lot. This fundamental difference in the apartment zones makes using the “pop-up” restrictions of the rowhouse zones impractical.
1C	959	E	Welcomes the proposed two new rowhouse zones RF-4 and RF-5, and urges the Zoning Commission to eliminate the proposed commercial and other non-residential uses, from the two new rowhouse zones RF-4 and -5 as well as from any RF-1 district resulting from future downzoning from and R-5 district. Incorporate all of the elements of its 14-11 order into the final order on ZRR at every point where the ZRR order deals with the successor zones to R-4 ( <i>i.e.</i> RF-1, -2 and -3). It should inform the public of its intention to do so, taking any issues resolved by that Order out of further contention in the consideration of ZRR. Set	The Commission did not find the ANC’s advice persuasive and the adopted regulations permit corner store uses in the RF-4 and RF-5 zones. The regulations include conditions that will mitigate any potential adverse impacts and these establishments will benefit the neighborhoods they serve. The changes in rowhouse regulations that resulted from Z.C. Case No. 14-11 have been incorporated into the ZRR. The public was aware that Case 14-11 would be the exclusive means of addressing the issues identified in that case. A maximum FAR for the RF-4



ANC	Exhibit #	Subtitle	Comment	Response
			an FAR limit of 1.8 for all structures in the proposed RF-4 and -5 zones.	and RF-5 zones has not been adopted.
1C	959	C	Incorporate into the ZRR text the side-wall setback formula provided in § 411.18(3) of the pending Penthouse draft, amended so as to apply to any “detached dwelling, semi-detached dwelling, rowhouse or flat in any zone.” Limit the height and other dimensions of rowhouse roof structures by incorporating into the ZRR text § 411.5 of the pending draft in the Penthouse case, and clarify that 30 square feet is the maximum floor area of roof structures covered by this provision.	The provisions of new § 411.18 has been incorporated in the adopted text.
1D	424		ANC 1D requests that the Office of Planning and Zoning Commission allow an additional 90 days for review and comments on the proposed Zoning Regulation Review (ZRR).	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.
1D	618	E	ANC 1D advises the Office of Planning and the Zoning Commission that the proposed regulation permitting 60% maximum lot coverage for all dwellings in an RF-1 zone be revised to require, at least within Mount Pleasant, that structures built according to the 40% coverage limit remain so limited.	The Commission established a maximum lot occupancy in the RF-1 zone of 60% for detached dwellings, semi-detached dwellings, row dwellings, flats, and places of worship and 40% for all other structures.
1D	900		ANC1D advises the Zoning Commission that the explicit “grandfathering” of off-street parking spaces, currently incorporated in Subtitle C of the draft new regulations, should be eliminated.	The Commission did not agree with this recommendation because the section referenced, Subtitle C § 705.2, allows for a new use to occupy a space when the new use has the same parking requirement as the previous use. Any expansion of an existing use that results in additional parking requirements is required by Subtitle C § 705.1 to provide additional parking.
2A	69, 70, 71, 72, 73	B, I, Z, X, Y	ANC 2A requests that the Zoning Commission: (a) not expand either the CEA or TDRs into more of Foggy Bottom-West End; (b) not allow for increases in currently allowable density, percent non-residential uses, and height in Foggy Bottom-West End; (c) define and state governing provisions for "omnibus" PUDs; (d) require public hearings for all "modifications of consequence" to zoning Orders, including for PUDs and Campus Plans; and (e) not	The Central Employment Area (CEA) has not been expanded; the CEA is defined through the Comprehensive Plan and is not established through zoning; TDRs have been replaced by credits that may be used to increase non-residential density to existing matter-of-right limits. Although a modification of consequence will not require a hearing, a modification of significance will. The Commission



ANC	Exhibit #	Subtitle	Comment	Response
			change the requirements for parking spaces in Foggy Bottom-West End.	believes that the expanded public comment period for modifications of consequence will suffice. Such modifications include a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission. There is a maximum FAR established for Campus Plans that reflects the maximum FAR of the current regulations; There is no such thing as an omnibus planned unit development (PUD). The PUD regulations apply equally to PUDs as specified although certain PUDs will not be called design reviews. The parking regulations recognize the transit-rich environment of various parts of the city and the relationship between the cost of constructing more parking than the market dictates and the cost of housing.
2A	477	X	<p>ANC 2A urges the Zoning Commission to add a provision for the mandatory review of commercially-zoned property owned and acquired by universities, as part of the campus plan process.</p> <p>ANC 2A asks OP to prepare supplemental textual changes related to address missing subject areas related to campus plans, such as omnibus PUDs and length of campus plans.</p>	<p>Use of a commercially zoned property by a college or university for a use other than the matter-of-right uses set out in Subtitle U will now require a special exception. See also Subtitle X § 102. If by “omnibus PUD,” the ANC is referring to a combined PUD and Campus Plan approval, the Commission has approved but one, which was affirmed by the District of Columbia Court of Appeals. The Commission believes the existing PUD and campus plan rules provide a sufficient framework should a second such combined approval be sought. As to length of campus plan terms, the Commission does not believe it is necessary for the campus plan rules to provide for any maximum, since this type of determination should be made on a case-by-case basis.</p>

ANC	Exhibit #	Subtitle	Comment	Response
2A	979	I	<p>ANC-2A seeks to protect the residential quality of life in Foggy Bottom and the West End. ANC 2A and Foggy Bottom-West End community groups successfully fought boundary exclusions from the statutory CEA definition area, as reflected in the 1994 and 1999 Comprehensive Plan Amendment Acts, to ensure that Environmental Impact Statements would be required for five possible development sites and the entire George Washington University (GWU) Campus Plan area. The Office of Planning's (OP) proposal effectively expands the statutory boundaries for the "downtown" "D" zone that expands the definition of "Central Washington," or area appropriate for high density mix as a matter of right and through expanded use of transferable development rights (TDRs), in the proposed Zoning Regulation Review into the West End (<i>e.g.</i>, in some Squares from West of 21st Street to 22nd Street and from North of Pennsylvania Avenue to M Street) and in Foggy Bottom without an accompanying statutory amendment to effectively expand the "downtown" (see Subtitle I-58, Figure 4, "All Streets in Downtown Zones with Designated Street Segments"). There are significant impacts for expansion of the "downtown" into Foggy Bottom and West End including (a) increased height due to the accompanying proposed expansion of TDRs into more of Foggy Bottom/West End; (b) increased allowable density for non-residential uses, and (c) reduced parking requirements, resulting in the elimination of existing residential street parking due to congestion. ANC 2A requests that the Zoning Commission: (a) not expand either the definition of "downtown" or CEA into more of Foggy Bottom-West End; and (b) not allow for increases in currently allowable density, percent non-residential uses, and height in Foggy Bottom-West End.</p>	<p>The Central Employment Area (CEA) has not been expanded; the CEA is established by the Comprehensive Plan process; it is not established through zoning. The new D zones do not expand the Downtown. The new D zones relate directly to the high density land use categories of the Central Washington Area element of the Comprehensive Plan and do not extend or include areas within the West End or Foggy Bottom areas as identified as the Near Northwest Element of the Comprehensive Plan.</p>

ANC	Exhibit #	Subtitle	Comment	Response
2B	476	C	<p>ANC2B supports the guidelines, values, public process, and forthrightness of the Office of Planning and Zoning Commission throughout the zoning update process. ANC2B does not support the growing practice of prohibiting residents with certain addresses from obtaining residential parking permits as a “trade off” with the neighborhood and Zoning Commission for reducing parking minimum requirements. This practice rewards developers without a proven benefit to the neighborhood while dismissing the rights of tax-paying citizens to the same city services as others. ANC 2B encourages the Zoning Commission to cease any such future arrangements and instead to work with the District Department of Transportation (DDOT), ANC’s and developers on more reasonable, effective and egalitarian solutions to parking concerns.</p>	<p>This comment relates to conditions proffered by applicants in contested cases often in response to requests by the affected ANC. The Commission therefore did not include an across the board prohibition of this practice, but believes the merits of each condition should be determined on a case-by-case basis. However, the adopted regulations will allow reductions of parking minimums near Priority Bus Corridors provided that the buildings would not be eligible for RPP.</p>
2D	699	X	<p>ANC 2D supports increasing the square occupancy to 50% for the institutional threshold for consideration of any additional non-residential use including a Chancery, and ANC 2D recommends that the ZRR contain an explicit requirement that an accurate map of the squares with an accurate inventory of non-residential properties be maintained, and ANC 2D recommends that institutions that are allowed to exist in a residential neighborhood either by matter of right or by special exception not be counted toward the 50% threshold for square occupancy.</p>	<p>The focus of the Foreign Missions Act is to identify whether an area is already mixed-use, and if it is, to permit a chancery application to be heard before the Board. The fact that an institutional use is by-right does not negate the fact that its existence may cause the character of the neighborhood to be considered mixed-use. Since the term “non residential” is not defined, but “residential” is, the adopted text bases the percentage on the land area occupied by uses that do not fall within the “residential” definition. The proposed chancery rules include application filing requirements that will assure the Board has proof of the amount of the land within the relevant area that is occupied by non-residential uses.</p>
2D	886	C	<p>ANC 2D recognizes the importance of the tree canopy to preserving the residential, commercial, and cultural vitality of the District of Columbia. The Zoning Regulations governing new development are crucial to preserving the health of the tree canopy. ANC 2D recommends the following: 1. Definitions, Use of a uniform set of definitions so that the Urban Forestry</p>	<p>The Zoning Regulations cannot provide tree protection that is not zone specific. Rather, there are certain areas for which tree protection have been identified. These areas were formerly mapped in overlays but now are in standalone zones with the same specific tree protection rules. The Council has adopted legislation to protect trees on a</p>

ANC	Exhibit #	Subtitle	Comment	Response
			<p>Administration's (UFA) guidelines and definitions apply to residential, diplomatic, institutional, commercial, and government new construction projects and throughout the entire permitting process. 2. Applications for new construction should require plans to depict accurately all trees at risk from construction activity prior to permit review and approval. Plans should accurately show trees' size and Critical Root Zone according to the uniform set of definitions. 3. Plans for new construction must show trees on all adjacent private and public land whose Critical Root Zones and/or crowns would be impacted by construction activity and the completed project. 4. The UFA should be required to review final plans before the Zoning Administrator approves them. Tree Protection Plans submitted with plans for new construction should be completed by an ISA-certified arborist. They should include plans for maintaining the trees for a period of time as determined by the UFA to ensure the trees' long-term health. 5. The Zoning Administrator should rely on the expertise of the UFA in interpreting regulations as they apply to residential, commercial, institutional, and diplomatic and government construction projects to ensure timely protection of endangered trees. 6. The UFA should be required to review any modifications to plans after initial approval. 7. The period for delay for the granting of a permit for new construction following the removal or cutting of trees that would have been prohibited by the current regulations should remain seven years as an incentive to abide by the regulations. 8. Regulations applicable to tree protection should be located in a Tree Protection Chapter of the Regulations rather than being scattered throughout the Regulations as currently exists.</p>	<p>District-wide basis, and that legislation is enforced by the Urban Forestry Administration. The UFA has permit requirements that can be found in "DDOT Trees Permits and Laws" on the DDOT website at <a href="http://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/uflaws_and_permits.pdf">http://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/uflaws_and_permits.pdf</a></p>
2E	935	U	<p>ANC 2E supports the proposed deletion of the minimum lot size requirement for accessory apartments within a principal dwelling, and a reduction in the minimum total floor area from the 2,000 sq. ft. originally proposed. ANC 2E disagrees with the proposed reduction in R-20 of the</p>	<p>The new regulations do not include minimum lot size requirements for accessory apartments; however, the regulations maintain a 2,000 square foot minimum GFA for the R-1-A, R-1-B, and R-19 zones and a 1,200 square foot minimum GFA for the R-2, R-10,</p>

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			<p>minimum total floor area to 1,200 sq. ft. ANC 2E believes 1,750 sq. ft. would be an appropriate minimum in Georgetown. Special exception review by the BZA would be appropriate for applications for any house less than 1,750 sq. ft. in Georgetown. ANC 2E objects to § 253.7 which expressly permits a new door to be created in the front of a house in the R-20 zone provided only that it is below the main level of the house. Any exceptions should be by a special exception following CFA review and approval of an additional door. In R-19 and R-20 an existing two story accessory structure should be permitted to be used for dwelling purposed on both the first and second floors. In R-20 a new accessory structure should be permitted to be used for dwelling purposes. Balconies and projecting windows should be prohibited if they face adjoining property but not if they face an alley or the principal residence to which they are secondary. Georgetown is well served by retail and other commercial stores on Wisconsin and M Street as well as numerous corner stores throughout the neighborhood. Accordingly, we support this section (Subtitle U § 254.6(e)) placing a 750 foot restriction on new corner stores but believe it should apply to R-19 Georgetown as well.</p>	<p>R-3, R-13, R-17, and R-20 zones. Additional doors are determined appropriate if the proposed accessory apartment is located in a historic district. That is because the addition of the door would need to be reviewed by the CFA for its compatibility with the historic district. Having a special exception review would therefore be redundant. An accessory apartment is allowed only on the second story of a detached accessory building. The regulations include restrictions on balconies facing adjoining properties. They do not permit corner stores in the R-1-B zones; therefore, the 750-foot restriction would not apply to the R-19 zone (R-1-B in Georgetown).</p>
3B	829	D	<p>ANC 3B recommends the following for improving the zoning code: 1. Use of a uniform set of definitions so that the Urban Forestry Administration's (UFA) guidelines and definitions apply to residential, institutional, commercial, and D.C. government new construction projects and throughout the entire permitting process. 2. Zoning regulations should require plans to depict accurately all trees at risk from construction activity prior to permit review and approval. Plans should show accurately each tree's size and Critical Root Zone according to the uniform set definitions. 3. Plans for new construction must show trees on all adjacent private and public land whose Critical Root Zones and/or crowns would be impacted by construction activity and the completed project. 4. The UFA should be required to review final plans</p>	<p>The Zoning Regulations cannot provide tree protection that is not zone specific. Rather, there are certain areas for which tree protection have been identified. These areas were formerly mapped in overlays but now are in standalone zones with the same specific tree protection rules. The Council has adopted legislation to protect trees on a District-wide basis, and that legislation is enforced by the Urban Forestry Administration. The UFA has permit requirements that can be found in "DDOT Trees Permits and Laws" on the DDOT website at <a href="http://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/uflaws_and_permits.pdf">http://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/uflaws_and_permits.pdf</a>.</p> <p>There is no need to duplicate the UFA</p>

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			<p>before the Zoning Administrator approves them. Tree Protection Plans submitted with plans for new construction should be completed by an ISA-certified arborist. They should include plans for maintaining the trees for a period of time as determined by the UFA to ensure the trees long term health. 5. The Zoning Administrator should rely on the expertise of the UFA in interpreting regulations as they apply to residential, commercial, institutional, and diplomatic and government construction projects to ensure timely protection of endangered trees. 6. The UFA should be required to review any modifications to plans after initial approval. 7. The period of delay for the granting of a permit for new construction following the removal or cutting of trees that would have been prohibited by the current regulations should remain seven years as incentive to abide by the regulations. 8. Regulations applicable to tree protection should be located in a Tree Protection Chapter of the Zoning Code Regulations.</p>	<p>standards. For these same reasons, the Commission believes that the degree of specificity for special exceptions to the tree protection regulations suffices. The Board may always seek such additional information it considers necessary.</p>
3B	1056		ANC 3B asks the Zoning Commission to adopt the December 2012 draft zoning code proposal.	The December 2012 draft has been superseded.
3C	66, 67, 68	D	Corner food stores have potential to change neighborhood character in a positive or negative way so it is important that a neighborhood determine whether it wants to allow these new uses. Thus, the proposal to allow corner food stores in all R-3 row house zones should not be approved without neighborhood oversight and approval.	As adopted, only grocery stores are permitted by right, and they would be subject to numerous conditions regarding use, location, and design. Other corner store uses are permitted by special exception, which provides an opportunity for the neighborhood to weigh in on the application, including suggesting conditions to address design issues. Corner stores are not permitted on R zoned lots within Squares 1327, 1350, 1351, 1352, or 1353 inclusive.



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3C	66, 67, 68	C	Increased height for garages and accessory structures should not be permitted in ANC 3C in low and moderate density residential zones where the increased size would affect light, air and privacy. We have not had any requests in ANC 3C for taller garages or accessory structures and we know of no Comprehensive Plan policies encouraging larger garages. In the absence of convincing data that supports the need, apartment in garages or accessory structures and non-residential uses, such as home occupations, in garages or accessory structures should not be permitted as a matter of right in low and moderate density residential zones in ANC 3C. The existing character of ANC 3C neighborhoods is built on community and respect for the quality of life of neighbors. In our experience preserving community is partly dependent on minimizing external uses that could negatively affect neighbors' quality of life. We do not want to transform our neighborhoods into 2-family zones, or locate home businesses outside the home, without neighborhood input and oversight.	Sections 2500.5 and 2500.6 of the current regulations allow a two story, 20- foot tall accessory building in the low-density residential zones. This height and two story limit has been brought forward in the proposed regulations. In the moderate-density zones the increase in height from 15 to 20 feet is moderated by the requirements for side yard which limits the height of an accessory building to 10 feet and 100 sq. ft. in area if the accessory building is in a required side yard. The Comp Plan calls for making it easier (including changes to the zoning regulations) to use garages and accessory buildings for arts uses and accessory apartments.
3C	66, 67, 68	C	Parking requirements for multi-family residential zones and in zones replacing existing commercial zones should not be changed until the Office of Planning can present reliable data that the current requirement provides significant excess parking supply in ANC 3C.	The Commission believes that such credible data has been provided.
3C	66, 67, 68	C	Changing the minimum required parking formula for private schools from an intensity of use formula to a square footage formula should not be approved.	A square footage measurement was not adopted. Instead, the Commission adopted a requirement of two parking spaces for each three teachers and other employees at the elementary and middle school level and two parking spaces for each three teachers and other employees, plus either one for each 20 classroom seats or one for each 10 seats in the largest auditorium, gymnasium or area usable for public assembly, whichever is greater at the high school level and for accessory uses.
3C	66, 67, 68	C	Penalties for providing 1.5 times the minimum amount of parking required should not be approved.	The Commission has not adopted "penalties" for exceeding parking, but mitigation measures where the parking is twice the amount required and



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				measures when the parking includes 100 more spaces than required. Special exception relief is also available. The mitigation measures can be found at Subtitle C in the chapter governing vehicle parking.
3C	66, 67, 68	C	Reductions in parking requirement based solely on proximity to frequent bus routes or a metro station should not be approved because there is a process currently available through the special exception procedure whereby a developer/owner requests a reduction in parking requirement; that process should be maintained.	The Commission decided to permit a reduction in the required parking by 50% for those sites within .5 miles of a Metrorail station; .25 miles of a streetcar line; or .25 miles of a Priority Corridor Network Metrobus Routes located entirely or partially within the District of Columbia, provided that the property is on a street on which participation in a District Residential Parking Permit program is not permitted, or is otherwise exempted from a District Residential Parking Permit program.
3C	66, 67, 68	C	Roof structures for recreation use should not be permitted, except by special exception, in existing low-density R-1 residential zones where rear and side yards are required, which typically provide recreation space that does not unduly impact nearby neighbors. Roof structures have potential to alter neighborhood character since roof top recreation structures are not currently allowed in low-density neighborhoods.	This comment relates to Z.C. Case No. 14-13, the final text of which has been incorporated into the new Title 11.
3C	66, 67, 68	H	Institutional uses in low and moderate density residential zones by special exception should not be approved.	General institutional uses are defined as a non-governmental use involving the public assembly of people or provision of services for social or cultural purposes and which may include uses of a public, nonprofit, or charitable nature generally providing local service on-site to people of a local community. General institutional uses are permitted by special exception, which provides an opportunity for neighbors and the community to weigh in before the Board. The Commission believes this remains an effective safeguard.
3C	66, 67, 68		Neighborhood commercial overlays and residential overlays are bottom-up zoning that should be honored. Therefore, the	The intent and provisions of the overlays are all embodied within the new zones; the restrictions, conditions

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			proposals from the Office of Planning to combine the underlying zone with an overlay into a single zone district should not be approved.	and limitations also are in the new zones.
3C	366		ANC 3C requests more time for residents to fully read the zoning proposals and inform the Zoning Commission of concerns and views.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case for public hearing.
3C	405		ANC 3C requests more time for residents to fully read the zoning proposals and inform the Zoning Commission of concerns and views.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.
3C	482	D	ANC 3C urges the Zoning Commission to prohibit accessory structures in the front yards and within the side yard allowance in all single family home residential zones.	Accessory buildings are not permitted to be located within a front yard. An accessory building is currently allowed within the side yard; and the Commission saw no basis to change that permission.
3C	842	D	A Tree Protection Plan (TPP) should be created by International Society of Arboriculture (ISA) certified arborist and should contain provisions for maintaining the trees for a period of at least three years post construction. The Commission should require a Tree Protection Plan that specifies tree protection practices under Subtitle D § 1704.1 not only during the period of construction, but also for a three year period following construction. This three-year period is critical to the recovery of the tree and its capacity to grow a new root system. Practices to avoid soil compaction and provide adequate watering and pruning should be specified in the Tree Protection Plan. The Regulations should require that the TPP be created by an arborist certified by the ISA to ensure the adequacy and appropriateness of the measures. Currently a TPP may be created by an applicant or a landscape architect and may not contain adequate measures. Plans created by certified arborist would place less demand on UFA for review and monitoring. The	Clarifying language has been added requiring that site plans submissions for review processes include existing tree sizes and locations for trees on the property or adjacent public or private land.

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			TPP should contain some provision for intermittent monitoring the construction site to ensure compliance with the TPP.	
3C	842	D	<p>1. Zoning Regulations should require a uniform set of standards and definitions that apply to the protection of trees which are consistent with UFA standard and definitions Subtitle D Chapter 17 the UFA to maintain a clear set of standards and definitions to which applicants can refer in preparing their plans and which may be used by the ZA in assessing applications. The International Society of Arboriculture (ISA) and well respected Academic Institutions such as the Mississippi State University, among others, describe uniform and accepted definitions of such terms as: Critical Root Zone, which is an area 1.5 feet /inch diameter of tree from the center of the tree, which contains the root system critical to the survival of the tree. Tree survival is close to 100% when the entire critical root zone can be protected. Root Plate (That portion of the root zone where damage to any roots is likely to be fatal). Trenching or linear excavation, which can damage the root plate. Grade change. Canopy.</p> <p>2. Zoning Regulations should clearly state that UFA definitions and standards apply to residential, as well as commercial, diplomatic and institutional projects. Significant confusion exists about whether or not UFA standards or opinion can apply to residential property, and this has become the subject of tree conflicts and court cases. The Zoning Regulations should clearly state that UFA definitions, standards and expertise apply to residential as well as commercial, diplomatic and institutional properties.</p> <p>3. UFA standards should apply to construction projects in all zones. A significant portion of the tree canopy is located on private property and is a community asset. The removal of any tree that does not meet the criteria for removal as a matter of right as spelled out in Subtitle D § 309.1 should be subjected to the application for special exception under more specific criteria than are currently described in the ZRR.</p>	<p>The regulations have been clarified to require that site plans submissions for review processes include existing tree sizes and locations for trees on the property or adjacent public or private land. OP forwarded these comments to the UFA, and to the Department of Consumer and Regulatory Affairs. The tree protection provisions have been re-organized for clarity. The UFA is responsible for tree protection on public property and for the protection of special trees - trees larger than 55 inches' circumference (measured around the trunk at 4.5 feet from the ground - on both public and private property. The UFA has permit requirements that can be found in "DDOT Trees Permits and Laws" on the DDOT website at <a href="http://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/uflaws_and_permits.pdf">http://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/uflaws_and_permits.pdf</a>.</p> <p>There is no need to duplicate the UFA standards. For these same reasons, the Commission believes that the degrees of specificity for special exceptions to the tree protection regulations suffice. The Board may always seek such additional information it considers necessary.</p>

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			<p>4. Zoning Regulations should contain a clear statement that all standards and guidelines shall apply to trees on neighboring properties, whether private or public lands, whose roots cross the property lines and whose Critical Root Zone (CRZ) will be affected by the construction.</p> <p>5. The UFA should review all plans submitted for permitting and sign off on all final plans before construction begins. Often plans are modified after submission, and requiring UFA sign-off on the final plans would ensure that the TPP is appropriate to the project as implemented. UFA review should also be required for any add on applications to a project resulting in an additional application. Because DCRA has no arborist on staff or any particular expertise, ZA should be required to rely on the guidance of UFA in assessing relative risk to a tree even if that risk is not quantifiable and the measure of risk is necessarily subjective.</p> <p>6. Plans should be required to use a uniform set of definitions that are consistent with those used by UFA and must at a minimum: Identify all trees on the property and adjoining properties, either public or private. All standards that apply to trees on the property should also apply to trees on neighboring properties. Identify the type of tree because the capacity for a tree to sustain damage from construction will differ by tree and UFA can maintain a list of trees, which may tolerate greater or lesser risk. Accurately reflect the diameter at breast height (DBH) and Critical Root Zone (CRZ) of each tree. Frequently ANC reviews plans, which inaccurately depict both the size of the tree and the size of the CRZ. This can be an attempt to minimize apparent danger and be misleading, and result in approval of projects, which should be disallowed. Accurately reflect all structures and impermeable surfaces, which might affect the CRZ both on the property and on neighboring properties. Identify previous construction on the property or adjacent property or loss of critical root zone within the past five years. Trees need several years to regrow their root zones and regain health before being subjected to additional CRZ</p>	

ANC	Exhibit #	Subtitle	Comment	Response
			loss. Depending on the type of tree, any construction within the past five years could have a bearing on whether or not the tree could withstand further damage to the CRZ. Accurately depict damage to the canopy of a tree caused by proposed construction. For example, the damage to the canopy of the tree should not exceed 25% in a given year. This could be part of a set of standards maintained by UFA, which could be used to evaluate applications.	
3C	842	D	The period for delay for the granting of a permit following the removal or cutting of trees that would have been prohibited by Subtitle D § 309.1 should remain seven years. The period of delay for the granting of a permit following the prohibited removal or cutting of trees has been reduced from seven to five years without explanation. (Subtitle D §§ 408.2, 509.3, 608.2) The penalty should remain seven years. Without substantial deterrence there is reduced incentive to abide by the requirements of the Zoning Regulations.	The Commission decided to move forward with the tree protection provisions as proposed, which included the five-year, versus the seven-year penalty. The seven-year penalty could unduly delay redevelopment of property.
3C	992	Y	Sec. 703.2: delete modifications of consequences from zoning order changes decided without public hearing because § 703.5 defines the category broadly to include changes in conditions and design that could be among the most highly contentious issues considered during the hearing on the application. The parties should have an opportunity to be heard and not be subject to an unreasonable 10-day period to file opposition response. This requirement, § 703.10, is particularly onerous for an ANC.	The Commission continues to believe that a decision to grant a modification of consequence can be made based upon written comments. If it appears that hearing is warranted, the Commission can always decide to hold one.
3C	992	Y	Sec. 302.17: replace 14 days with 7 days, which is current requirement (§ 3115.1). It is an unreasonable burden to require ANCs that meet on a set monthly schedule to produce appeal responses 14 days before the hearing rather than the current 7 days in advance.	The Commission changed the provisions to read as follows:  § 302.17 No later than seven (7) days before the public hearing, the appellee and persons with party status and the affected ANC shall file any responsive briefs and supporting information, whether in support of or opposition to the appeal. All filings shall be accompanied by a certificate of service.

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				§ 302.18 No later than three (3) days before the public hearing, the appellant may file a brief and supporting information in reply to any of the responsive briefs.
3C	992	Y	Sec. 704.6: Ten (10) days between notice and filing response is not adequate or reasonable for an ANC. It may be presumed that ANC has reviewed the original application and authorized a commissioner to represent it on the application. However, ANCs cannot be expected to have anticipated what modifications of consequence an applicant may request after the decision. It may be associated with some aspect of the application that was fine originally but that is not fine as modified, and the ANC would have to vote at a public meeting to have the authority to offer a response. The timing of the response, if limited to 10 days, deprives the ANC of opportunity to represent the neighborhood on the matter.	The provision is now § 703.9. The Commission is cognizant of meeting the needs of the ANCs, but nevertheless expects ANCs, when participating in contested cases, to appoint a representative to respond to these and similar requests. The D.C. Court of Appeals has noted that in the context of contested cases the ANCs must abide by stated timelines. <i>See Neighbors on Upton Street v. District of Columbia Bd. of Zoning Adjustment</i> , 697 A.2d 3, 10 -11 (D.C.,1997) (The ANC statute “cannot reasonably be read as imposing a requirement on the BZA to allow an ANC (or anyone else) thirty days to respond to a supplemental submission in a zoning appeal.”
3C	992	Y	Sec. 103.5: replace the 4 day notice of public meeting agenda with current requirement (§ 3105.7) of 7 day notice. Four days is not reasonable public notice.	The Commission kept the language in the proposed regulation text.  This is public notice of the public meeting agenda items. Changes are continually being made. Currently, items are added in real-time, so notice will mostly be made well in advance. The notice requirement continues to exceed that required by D.C. Official Code § § 2-576.
3C	992	Y	Sec. 203: add that the burden of proof is on the applicant, which is currently required (§ 3119.2), but has been deleted in this final version.	The statement appears in the special exception and variance provisions Subtitle X.
3C	992	Y	Sec. 102.2: delete authorization for staff of Zoning Commission to serve on Board of Zoning Adjustment. The Zoning Commission has no staff, unless the Office of Zoning personnel are considered the staff, but there should be no delegation of this important function to staff. The D.C. members of the Zoning Commission are	The Commission kept the language in the proposed regulation because it is required by Section 9 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(a)).



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			appointed by the mayor and confirmed by the Council after a public hearing and there is no similar process for staff to be vetted for their qualification to represent D.C. residents on this important regulatory body.	
3C	992	X	Sec. 201, Chancery Use Criteria - Define “area” narrowly since this extraordinary authorization for a foreign government to avoid zone restrictions by essentially creating a geographic boundary that is more beneficial to establishing an undesirable use potentially undermines the intent of zone regulations. Sec. 203.4, add ANC into application referrals.	The Commission agreed with the position of the Department of State that the Board should determine the geographic boundary of the “area” on a case by case basis, since the determination is adjudicatory in nature.
3C	992	C	Sec. 708.4: delete this provision, which permits up to two car share spaces on a property in an R of RF zone, because it allows a commercial use that is not a home occupation on residential property. In addition, it has the potential to turn a rear yard into a parking lot, since these spaces would be in addition to required spaces for the principal dwelling. It would add congestion to an alley that is used by residents and where commercial uses are not zoned. There are myriad locations for car-sharing, from dedicated on street locations to dedicated spaces in every type of development. Promoting this commercial enterprise on residential property is unwarranted.	No change was made. This is currently allowed in the § 202.6 of existing regulations and has been brought forward into ZRR as is. The Commission considered these arguments at the time it adopted the rule and is not aware of an adverse impact that have resulted since the original adoption in 2010.
3C	992	C	Sec. 701 Minimum Vehicle Parking Requirements. § 701.5 shows substantial reduction in requirement for multi-family buildings that would result in 66 to 85% reduction in parking spaces without any process that would permit the ANC and the community to protest. The Comprehensive Plan states that reductions in parking requirement can be considered if the specific circumstances of a neighborhood warrant the reduction. There has been no assessment of the transit use in our neighborhood or any consultation with us about our experience with parking demand where minimum parking requirements have been inadequate. We strongly oppose the unilateral matter of right reduction in parking and urge the Zoning Commission to reinstate the current	The adopted parking amendments represent considerable evolution and compromise from the initial proposal. A table was prepared that showed a side-by-side comparison of the changes proposed at setdown and the existing standards. The Commission determined that some of the proposed changes were too broad, and in their proposed action voted to make no changes to existing parking requirements for schools and places of worship, keep parking requirements west of 20th Street, N.W. ( <i>i.e.</i> , West End), increase the permitted size of a parking lot that requires a special exception, and condition any reduction based on proximity to a priority Bus



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			<p>minimums and provide a special exception process to lower on case by case basis. §§ 701.8 (b) and (f) add that permission to locate required parking spaces off-site whether as matter of right or by special exception should partly be premised on the unavailability of the District's Restricted Residential Parking Program at the on-site and offsite locations. This condition is necessary to protect adjacent and nearby properties from an increase in demand for scarce on street parking supply. § 702.1(c) permits a 50% reduction in the substantially reduced minimum parking requirement for apartment buildings and commercial establishments based on proximity to metro or high frequency bus lines. The Office of Planning has reported that significant parts of ANC 3C would be affected by this provision. We oppose this provision and urge a special exception process to determine if reductions are warranted and, if so, what level of parking is appropriate based on neighborhood conditions of supply and demand. There have been no changes to public transit in ANC 3C and thus, no new transit use or vehicle use patterns that convince us that this matter of right reduction is reasonable or responsible. On the contrary, our experience is that metrobus is unreliable and inefficient and the metro is too far from many of the areas eligible for 50% reduction to expect that residents will not need or want cars -- and those cars must be parked off-street! § 703.2(f) should be deleted because it allows developers to base waiver of all or part of minimum parking requirements on the provision of a "significant proportion" of affordable housing units. First, this is a vague construct that begs for interpretation. Second, it declares that either low income residents don't own cars or worse, they should not own cars. Many low income residents rely on cars, rather than public transportation, to travel to shift work, to take children to day care or schools away from the neighborhood or jobs, and to reach other necessary services that are often not found in low income neighborhoods.</p>	<p>Corridor on a building not participating in RPP. There are increasing options for people to have access to individual vehicles for personal use through car-share and car services such as Zipcar, Car2Go, Getaround, and Uber. These options provide on-demand alternatives to individual car ownership. OP anticipates that ongoing evaluation of the District's parking regulations and their effectiveness vis-à-vis the changing nature of travel and transit will inform future analysis of parking ratios.</p>

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3C	992	X	Sec. 105 School Plan Requirements § 105.2: add ANC into application referrals from Office of Zoning.	Referral to ANC is required in Subtitle Y Chapter 4, §§ 400.4 (b) and 402.1(c).
3C	992	C	Sec. 305 Theoretical Subdivisions - § 305.4(c) should substitute measurement of height from “finished grade” to “natural grade” as is required throughout the zoning code. Indeed the follow provision, § 305.4(d), clarifies that § 305.4(c) would allow a different measurement method for theoretical lots than is required for standard lots in the same zone. Allowing the topography of a series of theoretical lots to be changed – usually to attain more height on at least one side of future structures - is problematic and could alter the character of a block or neighborhood. A developer should expect building heights to rely on natural grade and if the developer wants to alter the grade to achieve more height than would be possible using the natural grade, this should be part of the special exception proceeding.	No change was made. In Z.C. Case No. 12-10, the Commission adopted clarifying language regarding measuring height and the term “finished grade” was used for measuring height in zones with a maximum building height of 40 ft.
3C	992	C	Sec. 304 Subdivision - Rules of Measurement for Lot Width - § 304.4 should be deleted. It would allow the creation of new lots for single family residences or flats that are only 40% the minimum required width for a lot in the zone. The absolute minimum could be as narrow as 14 feet! It is ludicrous to imagine that you could have a minimum lot width of, for example, 50 feet in an R-1-B zone as measured 30 feet back from the front of the lot (as ZRR is proposing) and a street frontage that is only 14 feet! These two provisions must be reconciled. We recommend that lot width should be measured at the front of the lot in order to preserve block character and not 30 feet back.	The section was deleted and replaced by a provision governing minimum street frontage. The Commission has adopted minimum lot width and minimum lot area requirements for R zones. <i>See</i> Subtitle D, Density Lot Dimension provisions, beginning with § 302.
3C	992	C	Sec. 201 General Provisions - Reinsert existing § 2000.3 that in part states that “all uses and structures incompatible with permitted uses or structures shall be regulated strictly and permitted only under rigid controls.”	This sentence has been reinstated as § 201.3.

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3C	992	C	Sec. 204 Non-Conforming Use - § 204.1: add “or intensity” at end of “A nonconforming use of land or structure shall not be extended in land area or gross floor area.” The intent is not to expand the use which can have negative impacts on permitted uses in the zone. Increasing the square footage is only one means of expanding the non-conforming use – the existing square footage could be rearranged to result in a much more intense use and that situation should be covered in the regulation.	This change has been incorporated into the final regulations.
3C	992	C	Sec. 204.8: delete and reinsert that changes in the non-conforming use will be reviewed by the BZA. If the intent is to rigidly control non-conforming uses, which has long been zoning policy and is endorsed in area elements of Comprehensive Plan, then the zoning code should not permit matter of right changes from one non-conforming use to another, even if within the same use category. By definition, these are uses incompatible with the zone and communities should have an opportunity to control them through a public regulatory process.	This change has been incorporated into Subtitle C §§ 204.8 and 204.9.
3C	992	C	Sec. 204.9(e): reinsert “at least” between “within” and “hundred feet.” The intention is to require an applicant to show that change in non-conforming use will not adversely affect the character and future development of surrounding area. Applying that burden to an area less than a block long prohibits the BZA from really assessing the extent of a negative impact. For example, a non-conforming trash transfer station has an affect far beyond a ½ block. By inserting “at least” the BZA can effectively capture the degree of the geographic affect.	This change has been made. The omission was inadvertent.
3C	992	Z	Sec. 703.6: add to list of examples of modifications of significance “change to public benefits or amenities or required covenants.”	Pursuant to this comment, the provision has been amended to read as follows: Examples of modifications of significance include, but are not limited to, a change in use or additional relief, change to public benefits and amenities or required covenants, or flexibility from the zoning regulations not previously approved.”

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3C	992	Z	Sec. 703.1: delete authorization that petitions for modifications of consequence can be decided without public hearing on consent calendar. By definition, these petitions are material to the facts that led to the Commission's decision on the original application in a contested case. Parties should have an opportunity on the public record to oppose changing conditions in the final order and/or altering exhibits that all parties and the Commission relied on. In addition, the example listed in § 703.4 that "a change in position on an issue discussed by the Commission that affected its decision" should be deleted. This appears to be a reconsideration of the decision and it should not be allowed using modification rules.	The Commission continues to believe that a decision to grant a modification of consequence can be made based upon written comments. If it appears that hearing is warranted, the Commission can always decide to hold one.
3C	992	Z	Sec. 405.7 seems to separate the level of meaningfulness of great weight afforded to the Office of Planning comments on zoning cases and the great weight afforded to ANC's in § 406.2. The former is vague about when Commission must honor the great weight of OP comments, but the latter provision clearly states that the ANC's comments will only be given great weight after deliberations and the issuing of a proposed decision. It is only at a pro forma second vote, or final action, that the Commission would honor the ANC great weight requirement that is articulated in the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000. The amendments state that "the issues and concerns raised in recommendations of ANC shall be given great weight during deliberations by the government entity." Thus, there should be no qualification on which deliberations of the Commission require great weight – in fact, all deliberations should include great weight consideration of ANC recommendations. § 406.2 must be changed to make this requirement clear and unambiguous.	Section 406.2 has been changed to read as follows: The Commission shall give "great weight" to the written report of the ANC, pursuant to § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, as amended, that is received at any time prior to the date of a Commission meeting to consider final action including any continuations thereof on the application.

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3C	992	Z	Sec. 504.5 and Sec. 505.1 present the same inconsistent treatment of great weight afforded to the Office of Planning and the Advisory Neighborhood Commissions. It effectively permits the Commission to ignore the ANC recommendations until all meaningful deliberations are finished and only the final rubber stamp of a decision is scheduled. This downgrading of ANC great weight versus Office of Planning great weight is not the intent of the authorizing law and the Commission should correct this second class treatment of ANCs before the ZRR is finalized.	<p>The provision has been changed to read as follows:</p> <p>The Commission shall give "great weight" to the written report of the ANC, pursuant to § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, as amended, that is received at any time prior to the date of a Commission meeting to consider final action including any continuations thereof on the application.</p>
3C	992A	D, E	Urges the Zoning Commission to prohibit accessory structures in the front yards and within the side yard allowance in all single family home residential zones	New language has been added that allows garages and carports to be beside the main building but no closer than ten feet to the side property line, as is in the current code.
3C	992B	X	Urges the Zoning Commission to recognize that chanceries are office uses that are most appropriate in commercial zones that have good access to public transportation, since chanceries are office uses that serve a large regional area; and that ANC 3C does not support allowing chanceries to locate, even by special exception, in low density residential zones where this type of use is in conflict with current permitted uses, including those by special exception; allowing the existence of schools or religious institutions or community-based uses to form the foundation for the introduction of chanceries into residential neighborhoods. ANC 3C supports the concept of increasing the percentage of institutional uses in a square to 50% as the base for considering adding a chancery to that square, if the Zoning Commission decides that chanceries should be allowed in some residential zones; but we are using the Office of Planning's proposed definition of institution in this instance, which does not include schools or religious institutions; and ANC 3C recommends that the Zoning Commission request a map of the diplomatic overlay to determine where chanceries are currently located, and also a map showing where the new square criteria and broader permission would allow new	The adopted regulations reflect changes to the chancery use consistent with the Foreign Missions Act, which allows chanceries in even low-density residential zones if certain findings are made. The revised rules no longer include a definition of institutional; uses, because the term "residential use" is defined. A square will continue to be the presumptive area to measure the percentage of residential uses, but the area may be enlarged if the Board determines it provides a more accurate depiction of the mix of uses. These changes were made after a significant dialogue between OP and the State Department and represent a fair balance between the need to preserve residential areas and the need of the State Department to honor its international obligations.

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			chanceries to locate; and ANC 3C recommends that institutions that are allowed to exist in a residential neighborhood either by matter of right or by special exception should not count toward the proposed 50% threshold for square occupancy.	
3C	992C	C, D	(con't)• The TPP should contain some provision for intermittent monitoring the construction site to ensure compliance with the TPP. 8) The period for delay for the granting of a permit following the removal or cutting of trees that would have been prohibited by Subtitle D § 309.1 should remain seven (7) years. The period of delay for the granting of a permit following the prohibited removal or cutting of trees has been reduced from seven to five years without explanation. (Subtitle D §§ 408.2, 509.3, 608.2) The penalty should remain seven years. Without substantial deterrence there is reduced incentive to abide by the requirements of the Zoning Regulations. 9) Zoning Regulations should contain a separate chapter describing the regulations applicable to trees. In the ZRR, regulations governing trees are spread throughout the regulations. A separate chapter dedicated to trees (such as Subtitle X Chapter 2 which sets out the requirements for Chancery applications) would reduce the potential for errors in interpretation and make the requirements for applications and TPP more clear and unequivocal.	These recommendations exceed the text as set down, as advertised for public hearing and as acted on by the Commission in the Notice of Proposed Rulemaking. Additionally, the Commission has no authority over the Urban Forestry Administration. Thus, these recommendations have not been incorporated into the Zoning Regulation; they are more appropriate to be considered by the Council as legislative amendments to the urban forest preservation program.
3C	992C	C, D	(con't)• Because DCRA has no arborist on staff or any particular expertise, ZA should be required to rely on the guidance of UFA in assessing relative risk to a tree even if that risk is not quantifiable and the measure of risk is necessarily subjective. 6) Content of Application Subtitle D § 1704.3: Plans should be required to use a uniform set of definitions that are consistent with those used by UFA and must at a minimum: • Identify all trees on the property and adjoining properties, either public or private. All standards that apply to trees on the property should also apply to trees on neighboring properties. • Identify the type of tree because the capacity for a tree to sustain	These recommendations exceed the text as set down, as advertised for public hearing and as acted on by the Commission in the Notice of Proposed Rulemaking. Additionally, the Commission has no authority over the Urban Forestry Administration. Thus, these recommendations have not been incorporated into the Zoning Regulation; they are more appropriate to be considered by the Council as legislative amendments to the urban forest preservation program.



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			<p>damage from construction will differ by tree and UFA can maintain a list of trees, which may tolerate greater or lesser risk. •</p> <p>Accurately reflect the diameter at breast height (DBH) and Critical Root Zone (CRZ) of each tree. Frequently ANC reviews plans, which inaccurately depict both the size of the tree and the size of the CRZ. This can be an attempt to minimize apparent danger and be misleading and result in approval of projects, which should be disallowed. •</p> <p>Accurately reflect all structures and impermeable surfaces, which might affect the CRZ both on the property and on neighboring properties. • Identify previous construction on the property or adjacent property or loss of critical root zone within the past five years. Trees need several years to regrow their root zones and regain health before being subjected to additional CRZ loss. Depending on the type of tree, any construction within the past five years could have a bearing on whether or not the tree could withstand further damage to the CRZ.</p>	
3C	992C	C, D	<p>(con't) • Accurately depict damage to the canopy of a tree caused by proposed construction. For example, the damage to the canopy of the tree should not exceed 25% in a given year. This could be part of a set of standards maintained by UFA, which could be used to evaluate applications. 7) A Tree Protection Plan (TPP) shall be created by International Society of Arboriculture (ISA) certified arborist and should contain provisions for maintaining the trees for a period of at least three years post construction. • The Commission should require a Tree Protection Plan that specifies tree protection practices under Subtitle D §1704.1 not only during the period of construction, but also for a three year period following construction. This three- year period is critical to the recovery of the tree and its capacity to grow a new root system. Practices to avoid soil compaction and provide adequate watering and pruning should be specified in the Tree Protection Plan. • The Regulations should require that the TPP be created by an arborist certified by the ISA to ensure the adequacy and appropriateness of the measures. Currently a</p>	<p>These recommendations exceed the text as set down, as advertised for public hearing and as acted on by the Commission in the Notice of Proposed Rulemaking. Additionally, the Commission has no authority over the Urban Forestry Administration. Thus, these recommendations have not been incorporated into the Zoning Regulation; they are more appropriate to be considered by the Council as legislative amendments to the urban forest preservation program.</p>



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			TPP may be created by an applicant or a landscape architect and may not contain adequate measures. Plans created by certified arborist would place less demand on UFA for review and monitoring.	
3C	992C	C, D	<p>1) Zoning Regulations should require a uniform set of standards and definitions that apply to the protection of trees which are consistent with UFA standard and definitions Subtitle D Chapter 17 the UFA to maintain a clear set of standards and definitions to which applicants can refer in preparing their plans and which may be used by the ZA in assessing applications. The International Society of Arboriculture (ISA) and well respected Academic Institutions such as Mississippi State University, among others, describe uniform and accepted definitions of such terms as • Critical Root Zone, which is an area 1.5 feet /inch diameter of tree from the center of the tree which contains the root system critical to the survival of the tree. Tree survival is close to 100% when the entire critical root zone can be protected. • Root Plate (That portion of the root zone where damage to any roots is likely to be fatal). • Trenching or linear excavation, which can damage the root plate. • Grade change • Canopy. 2) Zoning Regulations should clearly state that UFA definitions and standards apply to residential, as well as commercial, diplomatic and institutional projects. • Significant confusion exists about whether or not UFA standards or opinion can apply to residential property and this has become the subject of tree conflicts and court cases. The Zoning Regulations should clearly state that UFA definitions, standards and expertise apply to residential as well as commercial, diplomatic and institutional properties. 3) UFA standards should apply to construction projects in all zones. • A significant portion of the tree canopy is located on private property and is a community asset. The removal of any tree that does not meet the criteria for removal as a matter of right as spelled out in Subtitle D § 309.1 should be subjected to the application for special exception under more specific criteria than are currently described</p>	<p>These recommendations exceed the text as set down, as advertised for public hearing and as acted on by the Commission in the Notice of Proposed Rulemaking. Additionally, the Commission has no authority over the Urban Forestry Administration. Thus, these recommendations have not been incorporated into the Zoning Regulation; they are more appropriate to be considered by the Council as legislative amendments to the urban forest preservation program.</p>

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			in the ZRR. 4) Zoning Regulations should contain a clear statement that all standards and guidelines shall apply to trees on neighboring properties, whether private or public lands, whose roots cross the property lines and whose Critical Root Zone (CRZ) will be affected by the construction. 5) UFA review of applications per Subtitle D § 1704.2. • The UFA should review all plans submitted for permitting and sign off on all final plans before construction begins. Often plans are modified after submission and requiring UFA sign off on the final plans would ensure that the TPP is appropriate to the project as implemented. UFA review should also be required for any add on applications to a project resulting in an additional application.	
3C	992D		ANC 3C requests more time for residents to fully read the zoning proposals and inform the Zoning Commission of concerns and views	The Commission voted 5-0-0 at its September 21, 2015 Regular Public Meeting to decline the request for additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.
3C	992E	D	In the absence of convincing data that supports the need, apartments in garages or accessory structures and non-residential uses, such as home occupations, in garages or accessory structures should not be permitted as a matter of right in low and moderate density residential zones in ANC 3C. The existing character of ANC 3C neighborhoods is built on community and respect for the quality of life of neighbors. In our experience preserving community is partly dependent on minimizing external uses that could negatively affect neighbors' quality of life. We do not want to transform our neighborhoods into 2-family zones, or locate home businesses outside the home, without neighborhood input and oversight.	The Commission does not find this advice to be persuasive. Accessory Apartments have always been permitted within the R-1 zones (current code § 202.10); in addition to an accessory apartment within the principal building, domestic employee residences are currently permitted over the garage (current code § 2500.5); the adopted regulations limit the number of accessory dwelling units from two to one in the R-1 zones.
3C	992E	D, E, U	Corner food stores have the potential to change neighborhood character in a positive or negative way so it is important that a neighborhood determine whether it wants to allow these new uses. Thus, the proposal to allow corner food stores in all R-3 row house zones should not be approved without neighborhood oversight and approval. It is not appropriate to create this transformative	As adopted, only grocery stores are permitted by right, and they would be subject to numerous conditions regarding use, location, and design. Other corner store uses are permitted by special exception, which provides an opportunity for the neighborhood to weigh in on the application, including suggesting conditions to address design

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			use, which is only mentioned in the Comprehensive Plan as a use that should be controlled on Capitol Hill and in Georgetown, without direction from the Council and the expressed desire of neighborhoods that they would welcome this new use and under what conditions.	issues. Corner stores are not permitted on R zoned lots within Squares 1327, 1350, 1351, 1352, or 1353 inclusive.
3C	992E	D	Increased height for garages and accessory structures should not be permitted in ANC 3C in low and moderate density residential zones where the increased size would affect light, air and privacy. We have not had any requests in ANC 3C for taller garages or accessory structures and we know of no Comprehensive Plan policies encouraging larger garages.	The additional height, proposed as a maximum of 20 feet, would permit a full second story where the existing 15-foot limit does not. Sections 2500.5 and 2500.6 of the current regulations allow a two story, 20-foot tall accessory building in the low-density residential zones. This height and two story limit has been brought forward in the proposed regulations. In the moderate-density zones the increase in height from 15 to 20 feet is moderated by the requirements for side yard which limits the height of an accessory building to 10 feet and 100 sq. ft. in area if the accessory building is in a required side yard.
3C	992E	G	Neighborhood commercial overlays and residential overlays are bottom-up zoning that should be honored. Therefore, the proposals to combine the underlying zone with an overlay into a single zone district should not be approved. The Comprehensive Plan encourages overlays, yet the Office of Planning has removed them. Overlays are created to distinguish neighborhood interests and needs from the citywide-applied zone district provisions. They typically trump the citywide provisions when there is a conflict, and their purposes and goals are the main standards for review of special exception requests. The Office of Planning proposal dilutes the purpose and goals by adding new provisions, and they weaken the review standards by adding new provisions. This is in conflict with the Comprehensive Plan and the directives from the Zoning Commission at the concept stage of ZRR review. The overlays should be preserved, including the provisions for special exceptions, as the Office of Planning promised, in their existing form.	Neighborhood Commercial Overlays have been fully incorporated into Subtitle H with all the restrictions and permission as stand-alone zones. Thus, all the requirements are located in one place and a user does not need to look in multiple places for the permissions of a NC zone. Locating the NC zones in one subtitle increases their probability of enforcement, as opposed to being separated into different parts of the code as they are in the current one.

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3C	992E	C	Penalties for providing 1.5 times the minimum amount of parking required should not be approved. This is not a practical solution to congestion, which is primarily caused by commuters and not D.C. residents. While developer/owners may try to avoid building parking, there is no profit incentive for them to over build parking. More than likely, if more spaces than required are being built it is because there is a demonstrable need for off street parking in that neighborhood.	The Commission has not adopted “penalties” for exceeding parking, but mitigation measures where the parking is twice the amount required and measures when the parking includes 100 more spaces than required. Special exception relief is also available. The mitigation measures can be found at Subtitle C in the chapter governing vehicle parking.
3C	992E	C	Changing the minimum required parking formula for private schools from an intensity of use formula to a square footage formula should not be approved. The Office of Planning has provided no data or reason for changing this requirement, other than it wants only 2 formulas -- one based on residential units and another based on square footage. That desire ignores the impact. ANC 3C includes more than 5 large private schools. Parking is a consistent issue and is typically a major feature of special exception debates. It should be noted that the Office of Planning did no research to determine the effect of using square footage prior to offering it, and only did a limited survey of the change in the number of spaces required after several years of requests. Only one of our schools was surveyed and the data showed that parking requirement would be reduced under the proposal. Until the Office of Planning can demonstrate that there is less demand for parking at private schools, including their events, or that the square footage formula would not reduce the parking requirement this proposal should not be considered.	A square footage measurement was not adopted. Instead, the Commission adopted a requirement of two parking spaces for each three teachers and other employees at the elementary and middle school level and two parking spaces for each three teachers and other employees, plus either one for each 20 classroom seats or one for each 10 seats in the largest auditorium, gymnasium or area usable for public assembly, whichever is greater at the high school level and for accessory uses.
3C	992E	C	Parking requirement for multi-family residential zones and in zones replacing existing commercial zones should not be changed until the Office of Planning can present reliable data that the current requirement provides significant excess parking supply in ANC 3C. The DMV data shows that the number of cars registered in DC continues to increase. In our experience, renovated or new multi-family buildings do not provide as much off-street parking as	The parking amendments adopted represent considerable evolution and compromise from the initial proposal. A table was prepared that showed a side-by-side comparison of the changes proposed at setdown and the existing standards. The Commission determined that some of the proposed changes were too broad and in their proposed action voted to make no changes to existing parking

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			there is demand and the demand for parking shifts to the adjoining residential neighborhood that typically has insufficient on-street parking to meet residential needs, in addition to other users, such as private schools and under-supplied commercial areas.	requirements for schools and places of worship, keep parking requirements west of 20 <sup>th</sup> Street, N.W. ( <i>i.e.</i> , West End), increase the permitted size of a parking lot that requires a special exception, and condition any reduction based on proximity to a priority Bus Corridor on a building not participating in RPP.
3C	992E	C	Reductions in parking requirement based solely on proximity to frequent bus routes or a metro station should not be approved because there is a process currently available through the special exception procedure whereby a developer/owner requests a reduction in parking requirement; that process should be maintained. The Comprehensive Plan conditions consideration of reductions in parking requirements on a variety of factors existing in a neighborhood, not simply on a uniform distance from public transit. There must be context for right-sizing the creation of off-street parking supply. Neighborhoods must be able to participate in a process that considers the variety and intensity of uses, the supply versus demand for parking, and the intensity of proposed new uses.	The parking amendments adopted represent considerable evolution and compromise from the initial proposal. A table was prepared that showed a side-by-side comparison of the changes proposed at setdown and the existing standards. The Commission determined that some of the proposed changes were too broad and in their proposed action voted to make no changes to existing parking requirements for schools and places of worship, keep parking requirements west of 20 <sup>th</sup> Street, N.W. ( <i>i.e.</i> , West End), increase the permitted size of a parking lot that requires a special exception, and condition any reduction based on proximity to a priority Bus Corridor on a building not participating in RPP.
3C	992E	B, C	Roof Structures for recreation use should not be permitted, except by special exception, in existing low-density R1 residential zones where rear and side yards are required, which typically provide recreation space that does not unduly impact nearby neighbors. Roof structures have potential to alter neighborhood character, since roof top recreation structures are not currently allowed in low-density neighborhoods.	The Commission has limited the permitted use of roof structures in low density residential zones to storage. <i>See</i> Z.C. Case No. 14-13, which had been codified into the adopted text of the new Title 11.
3C	992E	U	Institutional uses in low and moderate density residential zones by special exception should not be approved. The proposal is vague. It does not describe what type of organization would be created for the social welfare of the community, what the intensity of use might be, why membership fees would be allowed, or	General institutional uses are defined as a non-governmental use involving the public assembly of people or provision of services for social or cultural purposes and which may include uses of a public, nonprofit, or charitable nature generally providing local service on-site to people of a local community.

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			whether parking and congestion issues could result. It is even unclear if the organization must be incorporated as a non-profit, and if property taxes would be waived. It is unwarranted to convert housing to an ill-defined non-residential use.	General institutional uses are permitted by special exception, which provides an opportunity for neighbors and the community to weigh in before the Board.
3D	91	X	<p>ANC 3D supports the goal of OP to simplify zoning rules that apply to universities, colleges, and private schools in residential and low density mixed zones. ANC 3D supports OP's recommendation that the new "campus plan and school plan" rules would apply to colleges and universities and private schools operating in residential and low density mixed use zones through a special exception. ANC 3D supports the new requirement that campus and school plans be reviewed by the D.C. Department of the Environment (DDOE) and that DDOE will be required to file a written report with the Zoning Commission on the proposed campus and school plans. ANC 3D recommends that the proposed rules be revised to further simplify the "Further Processing" requirements (§ 101.8) to require that an application for Further Processing can only be filed once the Zoning Commission has issued its Order approving a campus or school plan. ANC 3D opposes the proposed regulation revision that would allow a university or private school to commit as much as 10 percent of the gross floor area of the total campus plan floor ratio to commercial uses in residential and low density mixed use zones on the basis that 10 percent is excessive, especially on property that is zoned residential. ANC 3D recommends that retail uses of space by a college or university or private school on residentially zoned land should be assessed by the Zoning Commission on a case by case basis, as is now the practice, and conditioned on whether the retail use has a demonstrated connection to university or school function and complies with the other standards outlined by OP in Chapter 1, § 101. ANC 3D supports the requirement in the new regulations that would require colleges and universities to seek a special exception to use commercially-zoned property in new M-3 (formerly C-1) and M-</p>	Commercial use within residentially zoned land covered by a campus plan must be approved specifically as part of campus plan and may not be inconsistent with Comp Plan. Public and Public Charter schools are matter-of-right uses and are not subject to special exception but they are considered as part of the general conditions of the site. The adopted text requires a special exception for university use of land in low-density mixed-use zones (MU-3, MU-4, MU-18, MU-25 through MU-29, and MU-33) and any NC zone. Adopted Subtitle X § 101.16 provides that further processing of a campus building shall not be filed simultaneously with a full campus plan application.



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			<p>4 (formerly C-2-A) zones for educational purposes. ANC 3D supports the recommendation made by Ward Three Councilmember Mary Cheh that a university's use of commercial property should be considered and included in the campus planning process instead of making it optional, as the new rules propose. ANC 3D recommends that colleges or universities should be required also to seek a special exception to house students – as part of a master leasing program or other official student housing options – in registered apartment or condominium buildings off campus, so as not to adversely affect the supply of rental housing in the boundaries of ANC 3D. ANC 3D opposes language (§ 101.16) that would allow public schools or charter schools to operate in college or university campus facilities without counting toward an approved enrollment/faculty cap for the college or university, on the basis that a cap is fundamental for limiting the impacts on the neighborhood of the numbers of people coming to the campus, and is a key factor in the review of the campus plan. ANC 3D also opposes language (§ 101.18) which would give the Zoning Administrator unilateral discretion to approve an amendment to a campus plan that would result in an increase in gross floor area not exceeding 1,500 square feet, especially given that the addition is required to relate to building ingress and egress; and recommends that any amendment to the campus plan should first require review by the affected ANC. ANC 3D encourages OP to engage in additional dialogue with colleges and universities, private schools, and community groups adjacent to colleges, universities, and private schools on additional changes in the campus planning process that would have as their objectives – at least – the following: Make the campus planning process less contentious and confrontational; Consider establishing a “shot clock” that would require the Zoning Commission to act on a campus plan application expediently or terminate the proceeding; Establish more specific and/or measurable criteria for evaluating campus</p>	



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			plans; and Make extending the length of a campus plan beyond ten years an option.	
3D	450	C	ANC 3D opposes the revisions to parking requirements proposed by OP and calls on the Zoning Commission to maintain the existing zoning rules on parking.	The Commission does not find this advice to be persuasive. The adopted changes attempt to recognize the public investment in transit, the cost increases from requiring construction of parking in excess of building demand, and the changing manner of individual travel. The alternatives to parking are not simply bus or bike. There are increasing options for people to have access to individual vehicles for personal use through car-share and car services such as Zipcar, Car2Go, Getaround, and Uber. These options provide on-demand alternatives to individual car ownership. Traditional car rental companies are also adapting to provide similar quick, short-term rentals. There is nothing to prohibit a builder from providing parking in excess of the minimum if they determine there is demand. Ongoing evaluation of the District's parking regulations and their effectiveness vis-à-vis the changing nature of travel and transit will inform future analysis of parking ratios.
3D	451	D	ANC 3D opposes changes to allow accessory dwelling units (ADUs) in residential zones as a matter of right if ADUs are located within the main house or in an existing accessory structure. ANC 3D supports OP's recommendation to revise the zoning regulations allowing an accessory dwelling in a newly constructed accessory structure with Special Exception review. ANC 3D also voted to support giving the D.C. Department of the Environment (DDOE) an expanded role as part of the Special Exception process for inspecting, testing, and certifying that an existing accessory structure is free of toxic substances prior to its use as an accessory structure.	The Commission does not find this advice to be persuasive. As adopted, accessory apartments in the principal dwelling or an existing accessory building are by-right and by special exception in new or expanded accessory buildings. No modifications were made to the Board review criteria for special exception cases. One of the goals of code is to help ensure that more accessory apartments go through the required permitting process. Accessory apartments must be licensed, inspected, and registered. These processes are handled by DCRA and DHCD. DCRA's Office of the Zoning Administrator reviews applications for conformity with Zoning Regulations; including building permit applications, Certificate of Occupancy ("C of O") applications for allowable uses,

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				occupancy load, verification of address, lot and square, and to determine whether inspections and building plans are required for C of O approval. In most cases, no person can use a building, structure or land in the District of Columbia for any purpose other than a one- family dwelling until a valid C of O has been issued.
3D	451	D	ANC 3D opposed the establishment of corner stores, including corner stores for which the use is a fresh food market or grocery store, by right in R-3 and R-4 zones, and further proposes that corner stores should not be built within 1200 feet of an existing commercially zoned property in a neighborhood, such as Foxhall Village, that was built around a central commercial core that is walkable from all points in the neighborhood.	As adopted, only grocery stores are permitted by right, and they would be subject to numerous conditions regarding use, location, and design. Other corner store uses are permitted by special exception, which provides an opportunity for the neighborhood to weigh in on the application, including suggesting conditions to address design issues. Corner stores are not permitted on R zoned lots within Squares 1327, 1350, 1351, 1352, or 1353 inclusive.
3D	451	D	ANC 3D voted to support a motion to maintain the existing overlays for Chain Bridge Road/University Terrace (Chapter 3) and Wesley Heights (Chapter 8) and oppose OP's recommendation for combining the underlying zones with an overlay into a single zone district.	The intent and provisions of the overlays are all embodied within the new zones; the restrictions, conditions and limitations also are in the new zones.
3D	690	X	Subtitle X, Chapter 1: Campus Plans and School Plans: ANC 3D suggested several changes in the proposed zoning rewrite based on our long-term experience of working on campus plan issues given that four university campuses and five private schools are located within the boundaries of ANC 3D.	The Commission considered all comments received regarding the campus and school plan process and incorporated language that can be found in Chapter 1 of Subtitle X.
3D	690		ANC 3D calls on the Zoning Commission to ensure that the role of ANCs should not be diminished as a consequence of the rewrite of the city's zoning code. ANC 3D calls on the Zoning Commission to reject any provisions that would dilute the ability of ANCs to provide feedback and offer formal recommendations on zoning-related cases.	The adopted text does not diminish the roles of ANCs and, in fact, includes provisions to allow more time for ANCs to review projects going to the Board or Commission and to provide input. Further, the Board and Commission rules now recognize an ANC as being affected if it is located directly across the street from a project, even if the project is not in its boundary.

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3D	818	F	ANC 3D recommends that R-5-A zone districts be removed from Subtitle F and placed instead in the subtitle addressing residential zones, as an R-5 residential zone.	This change was not made. The R-5-A zone is a general residential zone that allows single family detached, semi-detached as a matter of right and apartments by special exception. Neither the zone nor its intent has been changed.
3D	895		Request that the review period for the Zoning Regulation Review (ZRR) document be left open for a total of 120 days. There have been five different ZRR iterations and each has contained edits. Given the length of the document, a lack of public outreach by OP since early fall, or a red line copy for reference, ZRR review will require significant time. ANC asks the Zoning Commission to consider the task that lies ahead as residents review for the final time, a completed version of the new zoning regulations.	The Commission voted 5-0-0 at its September 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.
4A	232	C	AMBIGUITIES – Reconcile Subtitle C and D regarding residential uses. One example is whether a new building is allowed in the side yards in R zones.	Based on further study, the Commission has retained the existing convention of using yards and the definitions of yard and lots.
4A	232	D	ACCESSORY DWELLINGS – Interior only. Strike §§ 801.3, 801.4 and 801.8. There should be no use of the garage or exterior units for housing. Such a major change from interior English basement concept should require a special exception or variance. It must not be “by right.” I have heard from seniors who do not want this option at all. Plus, there may be some unintended tax consequences to the proposal. For example, § 1606.7 requires property owners to have a Residential Rental Business License from the Department of Consumer and Regulatory Affairs and also requires that the property be inspected for “relevant housing code compliance.” This would seem to be a disincentive to opening one’s home up. This could expose the most vulnerable (those who have no choice but to take in boarders) to find themselves on the hot seat because the house is not up to code. While safety is appreciated, the home owner should not be placed in financial jeopardy. As we understand it, the proposed regulations	Accessory apartments in the principal dwelling or an existing accessory building are by-right and by special exception in new or expanded accessory buildings. There have been no modifications to the Board review criteria for special exception cases. One of the goals of the code is to help ensure that more accessory apartments go through the required permitting process. Accessory apartments must be licensed, inspected, and registered. These processes are handled by DCRA and DHCD. DCRA’s Office of the Zoning Administrator reviews applications for conformity with DC Zoning Regulations; including building permit applications, Certificate of Occupancy (“C of O”) applications for allowable uses, occupancy load, verification of address, lot and square, and to determine whether inspections and building plans are required for C of O approval. In most cases, no person can use a building, structure or land in

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			would allow one accessory apartment by right subject to certain conditions or one by right in an existing accessory building or one by special exception in new or expanded accessory buildings. This would apply in the R-1 through R-3 zone and greatly impact ANC 4A. Many people object to this provision.	the District of Columbia for any purpose other than a single family dwelling until a valid C of O has been issued. Home occupations are currently allowed in the existing code (§ 202) and the new regulations include basically the same provisions and conditions as outlined in the use permission in the Land Use subtitles; the uses have been updated to reflect general changes in how people work and technology.
4A	232	U	<p>ALLEYS – The proposal would permit “alley dwellings” by right in the R3 to R5 zones. We were assured that all alley lots in ANC 4S are in R-1 and R-2 zones. That is not comforting, because this proposal changes the R-2 zones and this assumes that using alleys for more than trash pick-up or emergency calls is in the public’s interest. It is not. And alleys are not supposed to be used for parking. The city has an obligation to abide by the laws. Alleys are public space and subject to the D.C. Street and Alley Closing Act. That public land should not be permitted to be used for non-public purposes.</p> <p>People may be surprised that their property line does not extend as far as they may think. It may be an unpaved public alley or street. This proposal would permit other uses, including car-sharing.</p> <p>We recommend striking Chapter 14 and § 1608 – Alley Lot by Right Uses for Zone Group A, B. To do otherwise would put demand on areas with a lot size that is large and change the fundamental character of neighborhoods in Colonial Village, Crestwood, Shepherd Park.</p>	The current regulations permit residential units on alley lots in all zones, provided they meet the conditions outlined in the regulations. Under the new regulations, residential uses on alley lots in the R-1 and R-2 zones are not permitted (Subtitle U § 600.1(e)), and in other zones are only be permitted by right on an alley of 24' wide or more or a 15' wide alley if within 300' of a public street. There is no provision for the private use or development of the public alleyway itself.
4A	232	D	<p>PRESERVE NEIGHBORHOOD CHARACTER -- The proposal would permit the BZA to “modify or waive” the requirements that apply to protect homeowners. Example is § 1605.4. Such waivers should not be permitted. It defeats the purpose of this rewrite, if the Board can unilaterally waive the requirements. Our lot size may invite changes that are inconsistent with stable, established residential areas. This proposal seems to draw those non-</p>	The modification and waiver provision referred to is now Subtitle U § 254.15, which permits the Board to waive or modify the location restrictions applicable to corner stores if the applicant adequately demonstrates that the proposed corner store use meets four conditions. Thus, the Board may not unilaterally waive all requirements. The Board may only waive the location restrictions if certain conditions are

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			conforming uses to areas like 4A.	met, and as part of a public process which would include notification of the ANC.
4A	232	D	CORNER STORES – Within 4A, two areas are designated for corner stores. One is on the west side of 16th Street, N.W., within ANC 4A 08. We note that there is no commerce along 16th Street, N.W. in Ward 4. The area is historic and has been preserved (at least in Ward 4) for non-commercial purposes. Sixteenth Street is the Avenue of the President. This proposal would introduce commerce into residential areas, where commerce is not currently permitted. We oppose this because it would change the fundamental character of the area. It is significant that one of the proposed conditions is that there would be “no alcohol consumption on-site” and off-site alcohol sales would be limited to 15% of floor area. It is as if D.C. already knows what this new addition would mean and is trying to head it off. We have a better idea. Unless the ANC 4A asks for a corner store, do not impose one on the 4A neighborhoods.	The maps that OP produced for the ANCs do not show areas designated for corner stores - they show areas where a corner store would be possible, given the proximity and zoning limitations in the adopted text. The ANC is correct that other factors, such as market demand, the character of the buildings in the area, and the restriction that any new corner store could only be located on a corner lot, at the intersection of two streets, would greatly limit the likeliness and location of a corner store further. The ANC is also correct that the extensive list of conditions adopted is intended to address potential impacts so that neighbors can benefit from this use.
4A	232	B	According to information provided to us, the 4A area is currently identified as “Single Family” R-1-A, R-1B, R2, R4 with some multi-family uses. The areas west of 16th Street, N.W. are non-commercial. Most of our residential blocks do not currently permit commerce. We hope that the Zoning Commission will rethink its plan to excise the word “family” and concept from the definitions. The homes in ANC 4A serve D.C. families of all kinds. We have the homes that multi-generational families want.	The adopted regulations shift from “family” to “household” to better reflect living situations beyond the typical “family” household. A household, as defined, still includes one family, not more than six unrelated persons, a religious community of not more than 15 members, or a residential care facility providing care for up to six persons with disabilities and two care givers.
4A	232	C	NUMBER OF UNITS PERMITTED – Do not increase the number of households beyond what is currently here. We don’t want to see lots split and the area carved up.	Accessory apartments are permitted under the existing and newly adopted regulations. Lot size for a subdivision has not changed from the existing regulations.
4A	232	C	HEIGHT – There needs to be an absolute height limit for residential buildings and we suggest there be a standard description. The one that is used to measure flat roofs should be considered as a measurement tool.	The issue of measuring height of residential buildings was discussed as part of case Z.C. Case No. 12-11. The Commission determined in that case that measuring height to an absolute

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				highest point would incentivize flat roofs in order to maximize the volume of a house, whereas measuring to the mid-point of a roof recognizes the pitch and slope roofs which are often part of the character defining features of a residential neighborhood. The Commission found no change in circumstances since case Z.C. Case No. 12-11 and decided not to change how height is measured through this case (08-06A).
4A	232	C	<p>FOR RESIDENTIAL ZONES, KEEP ALL TRANSPORTATION OPTIONS OPEN, INCLUDING CARS AND TRUCK LOADING DOCKS - The proposal would not keep parking in residential areas without alleys, by right. We are not sure what this means, but it would clearly impact those who live or work in our areas.</p> <p>This proposal calls for reducing by 50% the required parking along certain corridors. It also would reduce by 50% the parking along the Georgia, 16th Street and 14th Street, N.W. lines, that are part of the WMATA Priority Bus Corridor network. We have issues with parking right now with the Crestwood Apartment at 16th and Shepherd. This could make the situation worse.</p> <p>Loading Dock Size - The proposal would change loading requirements. This could impact us as homeowners and consumers or those who work or drive in areas where loading is done. The proposal would remove 55 foot truck bay requirements and allow the sharing of facilities. That has ramifications for the stores that we use. If the businesses that serve us, what will be the impact on us?</p>	<p>The Commission found that relief was frequently requested and granted from the 55-foot truck loading bay requirement and reduced bay size accordingly. While the adopted regulations allow for sharing of loading spaces, they do not eliminate the requirement for the provision of loading spaces.</p> <p>The Commission considered the parking standards holistically and determined that the proposed standards recognize the changes in travel habits, use of alternate forms of transportation, the cost of parking, and environmental concerns. The Commission found no evidence that 16<sup>th</sup> Street should be treated differently from other major corridors. However, should adverse parking conditions result, the ANC is encouraged to bring such evidence to the Commission's attention.</p>
4A	232	C	<p>FRONT SET BACKS – Our neighborhood may want more flexibility for certain blocks. An overlay may be sought to ensure that front yards match what is in the neighborhood, but not unnecessarily limit the design choices.</p>	<p>The Commission included a front setback provision. The regulations provide a range for the front setback, in keeping with other properties on the block.</p>
4A	232	C	<p>TREES – Part of the proposal that impacts Residential zones has to do with trees. It restricts homeowners' rights to plant certain trees or to take down trees. This section</p>	<p>Any tree protections found in Subtitle D are those carried forward from the existing Tree and Slope Protection overlay and have the same force and</p>



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			needs further clarification.	effect as the existing regulations.
4A	232	U	LODGING AS ACCESSORY USE – We disagree with the concept of permitting Boarding houses and that is what this could lead to. We already have a problem with the unauthorized use of residential properties. This could make it worse.	A Boarding House is a permitted use in the existing code. The Commission has not been presented with any evidence that would justify the elimination of that use permission.
4A	232	U	NON-CONFORMING USES – This proposed guidance appears to greatly expand the non-residential uses. Under this a medical facility with 300 people could move in next door. In the R zones, non-residential businesses may be permitted as “home occupations; and a “home occupation” is an accessory use. Community Based Institutional Facilities could house 15 people, and that does not include the resident supervisors.	The adopted regulations do not greatly expand non-residential uses. Medical care facilities are limited to six persons or seven to eight persons (with proximity restrictions). A larger medical care use would be permitted only by special exception. CBIFs are permitted only by special exception.
4A	232	C	SIDE YARDS – Preserve the eight foot side in R1 and R2 areas. Strike § 1301.2. Under this proposal, § 1301.2, an accessory building “shall be permitted in a required side setback of a principal building.” What exactly does this mean? Are there side yards and will they be at least 8 feet? See also D-41. A side set back shall not be requires along a side lot line.	The adopted regulations do not eliminate the eight-foot side yard in the R-1 and R-2 zones. An accessory building is permitted within the side yard. If located in the side yard besides the main building, it shall be set back from the side lot line a distance equivalent to the side yard and shall be removed from all building lines not less than 10 feet.
4A	232		To better serve all of us, we ask that the Zoning Commission consider D.C.’s needs. The D.C. Population Trends for the years 2000-2010 show that the number of people 60 years and older increased by 7.2%, according to the Zoning Regulations Review ANC4A, which was dated April 2, 2013. Similarly, the number of people age 20-34 years increased by 23%. In addition, the District has more than 11% of individuals with disabilities. This means that D.C. needs to keep its residential housing options open so that we can accommodate seniors and their care-givers, and families with children, while preserving the quiet character of our community. Our households had more than 2 per household, as of the last Census. That number is likely to go up. With the 23% increase of those in the child-bearing age,	The Commission believes that the adopted regulations address these issues.



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			we need to be prepared for meeting the public's needs. We will need to preserve our stock of detached, semi-detached and other single household homes that families want and need.	
4A	232		Ask that you keep the record open for an additional two weeks to permit further comments or revisions to this testimony.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case for public hearing.
4A	266		It is important to the public interest to request that OP participate in a future ANC 4A meeting to discuss the impact of the ZRR Text on both on ANC 4A and the District, as a whole (a) so that our community may better understand the nature and scope of the ZRR Text; (b) that OP provide a fuller opportunity for residents, stakeholders and businesses in the ANC 4A commission area to more meaningfully participate in the ZRR process by being better informed of the current ZRR Text; and (c) the ZC should postpone any rulemaking regarding the ZRR Text, and keep the record completely open for an additional period of 60 days to ensure robust and fair review can be had and that thoughtful and thorough comments from the public, including ANC 4A, may be delivered to the ZC for deliberation.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.
4A	1091	U	ANC 4A recommends deletion of Chapter 6, which pertains to alleys.	Alley use and buildings are currently regulated in the existing Code; the adopted regulations 1) do not permit residential use in alley lots of the R-1 zones; 2) establish standards for alley use in other residential standards. Under the final text, A&T alley lots may not be converted to Record lots because of the unforeseen consequences that could occur on an alley record lot.

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4A	1091	Y	ANC 4A wants to ensure that the ANCs and the general public have the opportunity to comment on any BZA applications for waivers or special exceptions. ANC 4A does not believe that the ZRR provided adequate notice to the impacted communities and a fair opportunity for the ANCs to provide comments on the latest proposal. For all of these reasons, ANC 4A asks that you give great weight to ANC 4A's Resolution which incorporates these comments and provide an opportunity to have our questions answered before these regulations are put in place.	In fact, the existing language of Chapter 31 has been changed to make it clear that an ANC report must be received and given great weight at any time prior to the Board's decision meeting on an application or appeal or any continuation thereof. See § 406.1.
4A	1091	C	ANC 4A is concerned about any proposed changes to the parking minimums.	The parking amendments adopted represent considerable evolution and compromise from the initial proposal. A table was prepared that showed a side-by-side comparison of the changes proposed at setdown and the existing standards. The Commission determined that some of the proposed changes were too broad and in its proposed action voted to make no changes to existing parking requirements for schools and places of worship, keep parking requirements west of 20 <sup>th</sup> Street, N.W. ( <i>i.e.</i> , West End), increase the permitted size of a parking lot that requires a special exception, and conditions any reduction based on proximity to a priority Bus Corridor on a building not participating in RPP.
4A	1091	U	ANC 4A opposes corner stores in the R-3 zone.	The Commission does not find this advice persuasive. The corner store provisions at U § 254 provide adequate controls on the use, which the Commission continues to believe will add vibrancy to many neighborhoods.
4A	1091	U	ANC 4A has concerns about use permissions in the residential house zones, including Production and Repair, Home Occupation, Chanceries, CBIFs, Health Care Facilities, Non-profits, Emergency Shelters, Government Uses, and Fairs, Circuses, and Carnivals.	The adopted regulations do not include significant modifications to the use permissions in the residential zones with respect to the Use Groups listed in ANC 4A's comments.

ANC	Exhibit #	Subtitle	Comment	Response
4A	1091		ANC 4A voted to oppose the ZRR proposal. ANC 4A seeks to preserve the quality of life, tranquility and stability of the low density green space within the ANC 4A area. To that end, ANC 4A opposes changes to the land uses, height restrictions, setbacks, occupancy and parking requirements pertinent to ANC 4A.	The Commission appreciates the ANC's concerns, but continues to believe that to the extent changes in these area are proposed, they will provide significant protections to the area served by the ANC.
4B	687		ANC 4B asks the Zoning Commission to consider delaying a vote on the new zoning regulations until the residents of ANC 4B have a good understanding of them (approximately 6 months). The new zoning regulations should increase community input by making the new zoning regulation changes special exceptions rather than a matter of right for a trial period of two years until the new changes have been filtered.	The ZRR has been a multi-year project with numerous public meetings. On September 9, 2013, the Commission set down the proposed ZRR text for public hearings and has held 15 public hearings since November 2013. The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case for public hearing. Making each change to the current into a special exception would prove burdensome and serve no apparent purpose. Should it turn out that any of the changes result in adverse impacts any citizen or groups, including the ANC can petition for the repeal of the offending provision. Therefore, the suggested two-year interim period is unnecessary.
4B	157	C	Propose the following amendments to the District's zoning regulations regarding Inclusionary Zoning: The definition of "low income households," at 11 DCMR § 2601.1, should be changed from 50% of AMI and redefined as "equal to or less than 30% of the District's median income or DMI; The definition of "moderate income households," at 11 DCMR § 2601.1 should be changed from 51% to 80% of AMI and redefined as "between 31% and 50% of the District's median income or DMI; The set-aside for IZ affordable units in residential developments should be increased from 10% and 8%, respectively, to 20% and 18%, respectively, in order for developers to qualify for bonus density. We also recommend that additional emphasis be placed on providing housing for low-income and moderate-income families in place of existing policies and zoning regulations that	These recommendations have not been incorporated into the adopted regulations. The inclusionary zoning regulations ("IZ"), which require a set-aside of affordable housing, will be reviewed separately as Z.C. Case No. 04-33G.

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			offer incentives to developers who provide housing to families with incomes of 100 percent or more of AMI. Finally, we recommend that IZ regulations mandate that two and three-bedroom units make up at least 20 percent of the affordable units that are eligible for subsidies and other incentives.	
4B	157	C	Existing parking minimums for all multi-family residential and mixed-use buildings, including those in transit zones, should be retained. Reductions in required parking should be granted through the variance process, which gives the City and residents an opportunity to evaluate community needs on a case-by-case basis. New zoning regulations facilitate shared parking and allow developers to rent out unused spaces.	These recommendations have not been incorporated into the adopted regulations. The parking amendments adopted represent considerable evolution and compromise from the initial proposal. A table was prepared that showed a side-by-side comparison of the changes proposed at setdown and the existing standards. The Commission determined that some of the proposed changes were too broad and in its proposed action voted to make no changes to existing parking requirements for schools and places of worship, keep parking requirements west of 20 <sup>th</sup> Street, N.W. ( <i>i.e.</i> , West End), increase the permitted size of a parking lot that requires a special exception, and condition any reduction based on proximity to a priority Bus Corridor on a building not participating in RPP.
4B	158	D	New regulations allow accessory rental apartments only within a primary residence in a single-family home but end the need for BZA authorization to do this. The city should ensure that all applicable inspections and permits are obtained. Accessory apartments should not be permitted in garages or other outbuildings at this time. Further study is necessary. BZA approval should be required whenever more than one accessory use is to be located on a single-family residential lot. This should include residential and home business uses. Permitted home occupations should be restricted to businesses that generate less than three customers per day in total. The provisions in Chapter 3 that permit no more than eight clients or customers on the premises in any one hour are excessive and effectively convert a residential use into a	Under the adopted regulations, accessory apartments in the principal dwelling or an existing accessory building is permitted by-right and by special exception in new or expanded accessory buildings. There have been no modifications to the Board review criteria for special exception cases. One of the goals of the code is to help ensure that more accessory apartments go through the required permitting process. Accessory apartments must be licensed, inspected, and registered. These processes are handled by DCRA and DHCD. DCRA's Office of the Zoning Administrator reviews applications for conformity with the D.C. Zoning Regulations; including building permit applications, Certificate of Occupancy ("C of O")

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			business use with the resulting negative impact on neighboring homes.	applications for allowable uses, occupancy load, verification of address, lot and square, and to determine whether inspections and building plans are required for C of O approval. In most cases, no person can use a building, structure or land in the District of Columbia for any purpose other than a single family dwelling until a valid C of O has been issued. Home occupations are currently allowed in the existing code (§ 202) and the adopted text provides basically the same provisions and conditions as outlined in the use permission in the Land Use subtitles; the uses have been updated to reflect general changes in how people work and technology.
4B	158	D	Corner stores should be permitted only by special exception and without the sale of alcohol permitted.	The adopted regulations only permit grocery stores by right, and they are subject to numerous conditions regarding use, location, and design. Other corner store uses are permitted by special exception, which provides an opportunity for the neighborhood to weigh in on the application, including suggesting conditions to address design issues. Alcohol sales for off-site consumption are also permitted by special exception and are limited to 15% of the floor area.
4B01	159		Retail stores that are larger than 50,000 square feet should be permitted only by special exception. Retail stores that are larger than 50,000 square feet should be housed in buildings at least two stories.	The Commission adopted large format retail provisions which relate to single tenant spaces of 50,000 sq. ft. or greater.
4B01	159	H	FAR, height, lot occupancy, and side and rear yard requirements should not deviate from those detailed in the 2002 Takoma Central District Plan. The provisions describing the "Purpose and Intent" of the Takoma Neighborhood Mixed Use Zone (N-2) should be amended so that the purpose and intent of the N-2 Zone is to encourage compatibility of development with the Takoma Historic District. § 300.1(f) should be amended to read: "Limit the height of new buildings and encourage a scale of development and a mixture of building uses	The adopted regulations do not modify the requirements of the 2002 Takoma Central District Plan. The pertinent provisions are in Chapter 4. The Commission believes that the existing purposes suffice.

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			that is compatible in scale with existing buildings and consistent with the Takoma Historic District."	
4B01	159	H	FAR, height, and lot occupancy and rear and side yard requirements should not deviate from those detailed in the 2008 Upper Georgia Avenue Great Streets Redevelopment Plan and in the subsequent Takoma Overlay Zone. Rear and side yard requirements should not be reduced. Pawn shops and check cashing businesses should be permitted only by special exception.	The adopted regulations do not modify the requirements of the 2008 Upper Georgia Avenue Great Streets Redevelopment Plan and the subsequent Takoma Overlay Zone.
4C	617	Y	Current Zoning Regulations, Section 3113.5(a) - Pre-Hearing Procedures for Application -Information on Neighboring Property within 200 feet. - Recommend that residents within five hundred feet (500 ft.) of the property be able to voice their concerns about the proposed changes. In some areas in this community, particularly in the Sixteenth Street Heights Overlay, there is a concentration of institutions in close proximity of each other. As a result a 200 foot notification radius excludes a significant segment of the impacted residential community. So communities in which zoning changes have a significant impact were not informed of pending changes or were only notified at the last minute. By then it is too late to take action to mitigate problems.	The 200-foot radius for mail notification is but one of several means of giving notice of hearings. The Commission does not believe it necessary to expand the current radius limit.
4C	617	Y	Current Zoning Regulations, Section 3113.5 - Pre-Hearing Procedures for Application - Recommend that all of the requirements listed in the Application Forms be specifically listed in the regulations. The current regulations include some but not all of these requirements. This is confusing to the public. The zoning revision process is an opportunity to list the complete set of requirements. Recommend that the Application Forms are modified to require the applicant to include statements, information, briefs, reports (including reports or statements of expert and other witnesses), plans, or other material that the applicant may wish to offer into evidence at the hearing. Any map, plan, or other document, or matter readily available to the	The adopted regulations include modifications to the Board Rules of Practice and Procedure. The major modifications reflect electronic filing procedures, changes to filing dates as set forth below, clarification that an application must be complete at time of filing with a full statement of how the application meets the variance or special exception standards, and guidance provided. The filing deadline for supplemental information by the applicant has been extended from 14 days to 21 days; the filing deadline for the transportation consultant report has been extended from 20 days to 45 days; and the filing deadline for government agency reports has been extended from

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			<p>general public need only be fully referenced and the source given by the applicant in place of filing a copy. The current regulations do not clearly require that these be submitted with the application but appears to allow these to be submitted 14 days before the hearing. See Comment #3 below, which addresses why this timeframe is unfair and should be changed.</p> <p>Recommend that where an applicant is applying for a variance for more than one location, the BZA should require a separate application for each location. This ensures that the applicant is in compliance with all the requirements on the application form. For example, the application for a variance, Form 120, requires the applicant to set out in detail how the property at each location meets the tests for a variance. In the past some institutions submitted one (1) application even though variances were being sought for multiple locations, and this requirement to set out in detail how each property met the tests was not addressed for all the locations. Recommend that a hearing not be scheduled until all information required in the application is provided. In its recent zoning regulations rewrite, the City of Baltimore requires that a complete application be submitted before a hearing will be scheduled. It is unfair to the community to do otherwise.</p>	<p>seven days to 10 days. The increase in filing time is intended to allow the community and government agencies time to review and process additional information and to allow the Board time to review the recommendations of the ANC and government agencies prior to public hearings or action.</p>
4C	617	Y	<p>Current Zoning Regulations, Section 3113.8 - Pre-Hearing Procedures for Application - Supplementing the Application Before the Hearing. Recommend that this be changed to no later than 30 days before the date of the hearing on the application. Under the current regulations, in many cases, the "meat" of the application (for example, traffic impact studies, traffic management, expert reports) is provided within days of the hearing. This may even be a misinterpretation of the current regulations, which uses the term "additional", which would appear to imply that some form of these documents was submitted with the initial application. If the Applicant wishes to supplement an application with additional information, it should be allowed to do so within a certain number of days before the</p>	<p>The adopted regulations include modifications to the Board Rules of Practice and Procedure. The major modifications reflect electronic filing procedures, changes to filing dates as set forth in the following table, clarification that an application must be complete at time of filing with a full statement of how the application meets the variance or special exception standards, and guidance provided. The filing deadline for supplemental information by the applicant has been extended from 14 days to 21 days; the filing deadline for the transportation consultant report has been extended from 20 days to 45 days; and the filing deadline for government agency reports has been extended from seven days to</p>



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			hearing but the community should get to see these changes at least 30 days prior to hearing to allow time for adequate review, particularly given that most community organizations meet monthly and these documents can impact whether a community needs to become involved.	10 days. The increase in filing time is intended to allow the community and government agencies time to review and process additional information and to allow the Board time to review the recommendations of the ANC and government agencies prior to public hearings or action.
4C	617	Y	Current Zoning Regulations, Section 3115.1(e) - Advisory Neighborhood Commissions Reports and Notice - Required Contents. Recommend that BZA specify the standards that ANCs must include in their written reports on zoning application decisions. The current language is too vague and as a result ANCs are challenged in complying with this provision, leading to the denial of great weight, disenfranchisement of the community, and arbitrary decisions by ANCs and the BZA. Specifically, the BZA rejected an ANC 4C unanimous protest on a zoning application because the ANC did not state any specific issues or concerns about the application in its written report as it relates to these standards. This is also confusing for the ANC since subsequent ANC 4C written reports that supported the applicant were given great weight even though these written reports did not specifically state the standards against which the ANC review was conducted.	The Office of Zoning has developed a form that can be used by ANCs to transmit comments on zoning applications. The Form 129 can be found on the Office of Zoning website. Further, the standard is explicitly stated in the ANC Act. "The issues and concerns raised in the recommendations of the Commission shall be given great weight during the deliberations by the government entity." D.C. Official Code. § 1-309.10 (d)(3)(A).
4C	617	C	Current Zoning Regulations, Section 2101.1 - Schedule of Requirements for Parking Spaces - Reduction in Required parking spaces & Substitution of off-site parking for on-site required parking. Recommend that the Zoning Commission retain existing minimum parking requirements for new development and institutions; ensure that the community retains a voice in any requests to reduce parking requirements; and eliminate penalty for too much parking spaces. The issue of when off-site parking can serve as a substitute for the on-site parking requirement should be addressed in the regulations. The public should know when or under what conditions off-site parking can be substituted for on-site parking requirements in an open process such as a	The adopted regulations attempt to recognize the public investment in transit, the cost increases from requiring construction of parking in excess of building demand, and the changing manner of individual travel. The alternatives to parking are not simply bus or bike. There are increasing options for people to have access to individual vehicles for personal use through car-share and car services such as Zipcar, Car2Go, Getaround, and Uber. These options provide on-demand alternatives to individual car ownership. Traditional car rental companies are also adapting to provide similar quick, short-term rentals. There is nothing to prohibit a

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			rulemaking which sets out guidance.	builder from providing parking in excess of the minimum if the determine there is demand. Ongoing evaluation of the District's parking regulations and their effectiveness vis-à-vis the changing nature of travel and transit will inform future analysis of parking ratios.
4C	853	E	ANC 4C recommends that the Zoning Commission: 1). Adopt the Office of Planning's proposed 35' limit on "pop-up" development in R-4 zone; 2). Require a variance application for conversion of single family homes to more than two (2) separate dwelling units, whereby owners seeking variance must present plans and hear community input before ANCs at a public meeting. Furthermore, ANC 4C asks that the Department of Consumer and Regulatory Affairs (DCRA): 1). Strengthen existing rules and oversight for notification to nearby residents affected by "pop-ups", per DCRA's existing 200' notification radius; 2). Clearly articulate liability for adjoining structure damage that may result from individual "pop-ups" to a neighbor's property.	The Commission considered these proposals in Z.C. Case No. 14-11 and for the reasons stated in Z.C. Order No. 14-11 decided to permit conversion of residential properties by special exception. The rules provide specific conditions and procedures for these special exceptions. The Commission indicated that all issue pertaining to R-4 conversions would be considered as part of Z.C. Case No. 14-11 and, therefore, did not revisit those issues as part of ZRR.
4D	183, 184, 185, 186, 187, 188	Y, Z	ANC 4D urges the Zoning Commission to enact the following procedural changes. Change the current law, at 11 DCMR § 3012.3, to provide "the written reports and recommendations requested by the [Zoning] Commission pursuant to § 3012.1 shall be filed by the Director of the Office of Planning with the Director of the Office of Zoning at least 60 days in advance of the hearing." Change the current law, at 11 DCMR § 3114.2, to provide "when an application is referred in advance of the public hearing to any public agency for a report or recommendation, that report and recommendation shall be filed with the Board at least 60 days prior to the date for the hearing on the application." Change the current law, at 11 DCMR § 3125.6, to provide "a decision or order shall become final upon its filing in the record and service upon the parties within 60 days."	These recommendations have not been incorporated into the adopted regulations because they would add approximately two additional months to every Board or Commission case.

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4D	183, 184, 185, 186, 187, 188	D, E	Opposes the establishment of Corner Store, including Corner Stores for which the use is a fresh food market or grocery stores, by-right in R-3 and R-4 zones of ANC 4D because there is no notice to residents and no opportunity for them to object. Corner Stores should be allowed in R-3 and R-4 zones of ANC 4D only by special exception or only by variance. Opposes the reduction in parking minimums for multi-unit housing development that will be located on streets adjacent to and bordering residential streets so that the occupants of the multi-unit housing will not have to compete for existing residential parking. Proposes that the D.C. government begin real on-the-ground implementation of the plans to establish and upgrade groceries and other businesses along Kennedy Street and the Petworth sections of Georgia Avenue in accordance with the Kennedy Street Revitalization Plan and the Georgia Avenue Great Streets Plan. Proposes that Accessory Dwelling Units in the principal dwelling or in an accessory building be allowed by special exception only.	As adopted, only grocery stores are permitted by right, and they would be subject to numerous conditions regarding use, location, and design. Other corner store uses are permitted by special exception, which provides an opportunity for the neighborhood to weigh in on the application, including suggesting conditions to address design issues. Corner stores are not permitted on R zoned lots within Squares 1327, 1350, 1351, 1352, or 1353 inclusive.
4D	183, 184, 185, 186, 187, 188	C	ANC 4D recommends the enactment of the following amendments to the District of Columbia's regulations regarding IZ in order to move toward true affordability in housing in ANC 4D and around the District: That the definition of "low income households," at 11 DCMR § 2601.1, be changed from 50% of AMI and redefined as "equal to or less than 30% of the District's median income or DMI; that the definition of "moderate income households," at 11 DCMR § 2601.1, be changed from 51% to 80% of AMI and redefined as "between 31% and 50% of the District's median income or DMI; and that the set-aside for IZ affordable units in residential developments be increased from 10% and 8%, respectively, to 20% and 18%, respectively, in order for developers to qualify for bonus development density.	These recommendations have not been incorporated into the adopted regulations. The Inclusionary Zoning regulations, which require a set-aside of affordable housing, will be reviewed separately in Z.C. Case No. 04-33G.
4D	183, 184, 185, 186,	U	Recommends that the Zoning Commission adopt a policy whereby a developer who proposes a big-box store must secure a special exception prior to proceeding with	The Commission adopted large format retail provisions which relate to single tenant spaces of 50,000 sq. ft. or greater.

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	187, 188		said development.	
4D	183, 184, 185, 186, 187, 188		ANC 4D asks that the Zoning Commission delay any decision-making or rule-making concerning the draft recommendations for at least 90 days following the close of this round of hearings so that ANCs can provide meaningful input. We also request that more hearings be scheduled for the community.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Zoning Commission set the case down for hearing.
4D	1011		Requests that the Zoning Commission obtain written support for the final form of the ZRR from at least two-thirds of all ANCs citywide.	Each ANC is given its individual Great Weight by the Commission in any decision, as legally required. The Commission finds that this statutory requirement has been met, with many changes to the adopted regulations having been made pursuant to ANC comments. Great Weight means that the Commission must explain why it did or did not find an ANC's advice to be persuasive. It does not mean abdicating its decision making authority to a supermajority of ANCs.
4D	1011		Requests that the Zoning Commission make available both the current and proposed zoning maps to all neighborhood civic and citizens groups and ANCs to enable residents to perform side-by-side comparisons and to verify that new zone districts are mapped correctly in the related, but separate, Zoning Case No. 08-06C (Map Amendment to Implement the Comprehensive Revisions to the Zoning Regulations, including New Zone Names).	Comparative maps will be available on the Office of Zoning website. Other distribution mechanisms will be explored.
4D	1011		Requests that the Zoning Commission require OP to demonstrate that all proposed zoning changes are warranted because the agency found that the existing zoning regulations are "inconsistent" or "potentially inconsistent" with the D.C. Comprehensive Plan Land Use Element, pursuant to the implementation Element of the D.C. Comprehensive Plan.	The Commission does not find this advice to be persuasive. The Zoning Act does not require that new regulation must be warranted nor limit amendments to those needed to achieve comprehensive plan consistency. The question before the Commission was whether the amendments would serve the public good and whether the amendments were not inconsistent with the Comprehensive Plan. In both regards the Commission found the answer to be yes.

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4D	1011		Requests that the Zoning Commission translate the ZRR as well as all educational aids, including those enumerated below, into Spanish so that residents who speak the second-most-prevalent language in the District of Columbia can participate in molding this set of policy changes that will affect all neighborhoods. Also requests at least an additional 3 months once the code and supporting educational materials have been published in Spanish, for community input before the Office of Planning responds to community input.	The Commission voted 5-0-0 at its September 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and the prohibitive cost of providing the translations.
4D	1011		Requests that the Zoning Commission require OP to provide a redline document comparing the version of the ZRR text published in the <i>D.C. Register</i> in May 2015 to the version approved in December 2014 in order to make transparent the changes made out of the public eye since the text was approved.	The Commission addressed the issue of a redline document during its deliberations and stated that due to the comprehensive nature of the revisions, the entirety of the existing code would be redlined and replaced with updated text, and therefore, preparation of a redline document would not be productive.
4D	1011		Requests that the Zoning Commission require OP to provide to all neighborhood civic and citizens groups and ANCs citywide the ANC-specific Development Standards Comparison Matrixes, comparing the heights, densities, lot occupancies, and required yard buffers of the proposed districts to the existing zoning districts in the area covered by each ANC. Only a minority of ANCs ( <i>i.e.</i> , 5A and 1C) have been provided with such a targeted matrix.	These documents have been and continue to be available in the case file on line at the Office of Zoning website; additionally, they are posted on the OP website.
5A	573	F	ANC 5A requests that the Zoning Commission postpone any rulemaking (including changes to R-5 Zoning requirements) regarding OP's proposed draft amendments for at least 180 days, allowing the record to remain open for an additional 45 days in order that the public, including Advisory Neighborhood Commissions, may have ample time to review, consult, evaluate and deliberate the proposed changes throughout communities and across the City, thereby allowing sufficient time for informed public input to the ZC. During this period of delay, ANC 5A urges the ZC to require OP to engage in a vigorous, fair and open campaign of community consultations and meetings in an effort to	<p>The ZRR process has been well-publicized and has included extensive community outreach, as follows:</p> <ul style="list-style-type: none"> <li>• June/July 2007 –Commission roundtables.</li> <li>• 2008 to 2011 – 81 public work group meetings were held on 20 topic areas, with over 1,000 participants.</li> <li>• 2007 – 2013 – OP created a Task Force of 25 residents – met 42 times.</li> <li>• 2008 – present – The Commission held 59 public hearings and meetings, to provide guidance and, in some cases, approve proposed text.</li> <li>• December 2012 – January 2013 – Public meetings, one in each ward</li> </ul>

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			ensure that all neighborhoods are provided equitable access to information and are equally afforded the opportunity to provide comment and input.	<p>(eight public meetings, two twitter townhall meetings).</p> <p>• 2008 – present – Over 100 meetings with ANC's, community groups and special interest groups.</p> <p>On September 9, 2013, the Commission set down the proposed ZRR text for public hearings and has held 15 public hearings since November 2013. The ZC left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case for public hearing.</p>
5B	370	G	The Zoning Regulations list a series of commercial and residential development project types and uses which have a unique impact on DC's neighborhoods (11 DCMR § 3104). Currently, there does not exist a special exception requirement for commercial retail stores that are 75,000 square feet or greater ("Big-Box Stores") despite the unique impacts these big-box stores propose for any given D.C. neighborhood. Big-box stores cause a disproportionate adverse impact on traffic within their vicinities since they tend to attract larger crowds from a broad geographical area than a typical retail store. The larger size big-box stores are often out-of-scale compared to neighboring stores. Without a special exception requirement for big-box stores, these developments are considered "Matter-of-right", and thus D.C. residents and ANC's are not afforded any public review and approval process to weigh the costs and benefits of big-box stores to the community.	The Commission adopted large format retail provisions which relate to single tenant spaces of 50,000 sq. ft. or greater.
5B	371	C	We understand the Zoning Regulations govern D.C.'s important Inclusionary Zoning program ("IZ"). The IZ program picked up where rent control ended- to preserve and protect affordable housing options for D.C.'s residents. Currently, with over 70,000 persons on the affordable housing wait list and with many reports showing because of the very hot housing market which is driving up rents and taxes at	These recommendations have not been incorporated into the adopted regulations. The Inclusionary Zoning regulations, which require a set-aside of affordable housing, will be reviewed separately in Z.C Case No. 04-33G.



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			<p>seemly uncontrollable rates in the District, there is very serious displacement impact for these residents. A very significant population of residents in ANC 5B are seniors, elderly, families with children and individuals on fixed, limited and/or restricted income. The Zoning Rewrite has a great opportunity to fix the current IZ regulation problem by amending the existing zoning definitions of affordability that are based on incomes with at least two of the wealthiest counties in the Nation called the Area Median Income (“AMI”). The AMI metric includes incomes of households in the counties of Fairfax, VA and Montgomery, MD as required per federal HUD calculations. Not only is the AMI unpredictable, as it fluctuates yearly, but because of its relation to VA and MD, AMI cannot truly paint a real picture of DC’s unique affordability needs. The Zoning Commission can amend D.C. Municipal Regulation 11-2601.1, which defines affordability eligibility for low and moderate income households, and dispose with an unpredictable and unreal AMI metric, replacing it with a metric more solidly based on a percentage of annual federal minimum wage (“AFMW”). Given the bonus density granted to the developer and given the aforementioned affordability crisis, the required IZ percentages must be doubled; IZ currently requires 8-10% of residential density in a new development- we recommend this be amended to 16-20% in order for the city to meet its housing goals.</p>	
5B	374		<p>WE RESOLVE TO SUBMIT OUR SERIOUS CONCERN that the Zoning Rewrite process has not and does not allow for meaningful public participation and review of the draft regulations; and WE RESPECTFULLY REQUEST THE ZONING COMMISSION to postpone any decision-making or rulemaking, and keep the record completely open regarding the Zoning Rewrite process for at least 180 days; and WE RESPECTFULLY REQUEST THE OFFICE OF PLANNING to visit our community for one, or more as needed, public community meetings to</p>	<p>The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.</p>



ANC	Exhibit #	Subtitle	Comment	Response
			discuss the impacts of their draft regulations and their specific impacts to our neighborhood, so we can understand the full scope of the amendments to provide informed feedback to the Zoning Commission.	
5B	1096		<p>ANC 5B requests the following information from the Office of Planning (OP) and Zoning Commission (ZC): ANC5B seeks the ANC 5B specific Development Standards Comparison Matrix (showing the heights, densities, lot occupancies, and required yard distances) of the current zoning districts versus the proposed districts in our ANC-area. We understand other ANCs (ANC5A &amp; 1C) received a very helpful matrix that explains what is happening in the underlying zoning code with the change in zone district names as found in the ZRR. We understand this ANC-specific matrix reduces the research and review time of the ZRR from many hours to perhaps a half-hour. We don't understand why all ANCs have not received this matrix, including ours. This is uneven treatment and limits our capacity to meaningfully respond to the ZRR. ANC 5B seeks a redline document to cross-reference how the language of the draft ZRR reviewed and voted on by the Zoning Commission in December 2014 may have changed with the language published in the <i>D.C. Register</i> in May 2015, along with any written rationale for those changes. ANC 5B seeks printed zoning maps showing the current versus the proposed zone districts as a side-by-side comparison so we can ensure that the new zone districts are mapped correctly in the inter-related Zoning Case No. 08-06C (Map Amendment to Implement the Comprehensive Revisions to the Zoning Regulations, including New Zone Names). Given that ANC 5B is seeking the above information which we have yet to receive, ANC 5B is seeking an extension of time of no less than three months so that the Office of Planning may deliver the information we seek, explain the information they share, and then allow time for our community to digest this information and comment meaningfully. We believe that if Georgetown's ANC-area</p>	<p>The ANC-specific Development Standards Comparison Matrixes have been and continue to be available in the case file online at the Office of Zoning website; additionally, they are posted on the OP zoning blog.</p> <p>The Commission voted 5-0-0 at its September 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted.</p> <p>The Zoning Map will be prepared after any final action on the zoning text and new zone names.</p> <p>The applicable standard provides that amendments must be determined to be “not inconsistent with the Comp Plan”; OP provided a review of the Comprehensive Plan support for the adopted regulations in its set down report (Exhibit A-2) and in each public hearing.</p>

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			<p>was provided this type of direct assistance from the D.C. Office of Planning over the years leading up to final decisions regarding the ZRR, then ANC 5B expects the same in order to call the ZRR review process even-handed transparent policy making here in the District. ANC 5B resolves to oppose any changes in any of the current zoning requirements regarding heights, densities, and lot occupancies and buffers for our ANC-area as there have been no findings published for our review that demonstrate the current zoning regulations are “inconsistent”, or “potentially inconsistent” with the D.C. Comprehensive Plan Land Use Element as to warrant any changes. Further, ANC 5B opposes the dramatic shift away from community and ANC-input for projects that currently require special exceptions and variances, in that the ZRR makes many of these projects matter-of-right. This reduction in community oversight is not supported by the D.C. Comprehensive Plan. Neither the Office of Planning nor the Zoning Commission has provided any rationale to shift projects to the “Matter-of-Right” column, which unfairly and adversely eliminates ANC and community oversight over these projects. In addition, to the above referenced information, ANC 5B is requesting a formal presentation from the Office of Planning specifically addressing the rewrite changes, its effects on the city, and an open forum for discussion to engage the community.</p>	
5D	877	D	<p>ANC 5D opposes accessory dwelling units as a matter of right.</p>	<p>The Commission understands the ANCs opposition, but does not find its advice to be persuasive. The adopted regulations permit accessory apartments in the principal dwelling or an existing accessory building by-right and permit them by special exception in new or expanded accessory buildings. There have been no modifications to the Board review criteria for special exception cases. One of the goals of the code is to help ensure that more accessory apartments go through the required permitting process. Accessory apartments must be licensed, inspected, and registered.</p>

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				<p>These processes are handled by DCRA and DHCD. DCRA's Office of the Zoning Administrator reviews applications for conformity with the Zoning Regulations; including building permit applications, Certificate of Occupancy ("C of O") applications for allowable uses, occupancy load, verification of address, lot and square, and to determine whether inspections and building plans are required for C of O approval. In most cases, no person can use a building, structure or land in the District of Columbia for any purpose other than a one-family dwelling until a valid C of O has been issued.</p>
5D	877	D	<p>Accessory dwelling units should be considered as a special exception only if the applicant can demonstrate no adverse impact on neighbors; an application for special exception must be considered at a public meeting of the ANC, in which the affected property is located.</p>	<p>The Commission does not find this advice to be persuasive. The adopted regulations permit accessory apartments in the principal dwelling or an existing accessory building by-right and permit them by special exception in new or expanded accessory buildings. One of the goals of the code is to help ensure that more accessory apartments go through the required permitting process. Accessory apartments must be licensed, inspected, and registered. These processes are handled by DCRA and DHCD. DCRA's Office of the Zoning Administrator reviews applications for conformity with the Zoning Regulations, including building permit applications, Certificate of Occupancy ("C of O") applications for allowable uses, occupancy load, verification of address, lot and square, and to determine whether inspections and building plans are required for C of O approval. In most cases, no person can use a building, structure or land in the District of Columbia for any purpose other than a one-family dwelling until a valid C of O has been issued. Requiring that an ANC must consider a special exception application would allow an ANC to veto any such application by refusing to consider the application.</p>

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5D	877	Y	Requests for variances and special exceptions for exceeding the established height limit should not be considered unless the property owner can ably demonstrate a hardship; if a waiver or variance is granted the height request may not exceed 5 feet. The ANC supports ongoing protections to historic views and neighbors' access to and enjoyment of light and air. The residents of ANC 5D oppose the granting of "pop-ups." The ANC recommends that stringent requirements for additions to residential property within historic districts apply and should be added to areas that are not officially designated historic, yet are believed to possess historic value.	The method of determining height was adopted by the Commission in Z.C. Case No. 12-11; the language in the ZRR reflects the language adopted in that case. The Commission also took action in Z.C. Case No. 14-11 to limit the height in the R-4 zone to 35 ft. and three stories. The Commission also took action in Z.C. Case No. 14-13 to limit the height of roof structures on detached and semi-detached dwellings and flats to a maximum of 10 ft.
5D	877	D, E	Corner food stores should continue to be restricted unless built and in operation prior to 1958. The ANC has received no testimony from any ANC 5D resident reflecting an expressed need or desire for additional corner stores anywhere within its boundaries.	The Commission does not find this advice to be persuasive. Under the adopted regulations, only grocery stores are permitted by right, and they are subject to numerous conditions regarding use, location, and design. Other corner store uses are permitted only by special exception, which provides an opportunity for the neighborhood to weigh in on the application, including suggesting conditions to address design issues.
5D	877	U	The existing list of home occupations should continue to be restricted and not allowed in accessory dwelling units.	The Commission does not find this advice to be persuasive. It does not believe that permitting home occupations in accessory dwelling unit will create any additional adverse impacts.
5D	877	C	The city should explore the feasibility of providing tax relief to residents that are willing to create parking spaces on their property to relieve on-street parking demand and congestion.	Taxation is not within the purview of the Commission.
5D	877	D, E, F	More explanation is needed to determine why R-3, R-4 and R-5 designation should be altered. How will the affected communities benefit by any changes?	The Commission retains the R-1-A, R-1-B, R-2, and R-3 designations, as well as the associated development standards. The Commission believes that the RF and RA designations for the remaining zones add greater clarity.

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5D	877	U	The Zoning Commission and Office of Planning should fully explore and create restrictions on opening and operating additional liquor stores in any area that has at least two such establishments within 1000 feet and where the crime rate in the affected patrol service area is high. The proliferation of liquor stores in high crime areas contributes to neighborhood blight and lowers the value of surrounding real estate, according to the National Institute of Drug Abuse. ANC 5D agrees with this assertion.	Liquor licenses are regulated by the Alcohol Beverage Regulation Administration and are not within the purview of the Commission.
5D	877	Z	The proposed regulations that substantially limit, restrict and eliminate parking should be removed from the Zoning Rewrite process. The Zoning Commission and Office of Planning should work collaboratively with the District Department of Transportation and the Washington Metropolitan Transit Authority and ANCs to create a viable plan that encourages D.C. residents to walk more and utilize mass transit. The District should not seek to penalize car owners through onerous codified regulatory action(s). Planned unit developments (PUDs) should continue to include adequate parking to protect the affected community against parking congestion.	The Commission respectfully disagrees. Throughout the Zoning Regulations Review process, the Office of Planning has worked closely with DDOT and has collaborated with WMATA regarding the adopted regulations, and the Commission has considered reports and presentations from DDOT regarding the regulations.
5D	877		While it is true that the Zoning Regulations Rewrite process has officially been underway since 2008, all D.C. communities have not been afforded a real opportunity to meaningfully participate. The Office of Planning has selectively worked with communities in Georgetown and Cleveland Park (to a lesser extent) to help their residents understand and respond to the proposed revisions to our zoning regulations. These residents had an opportunity that the wider D.C. residents did not. The ward briefing sessions facilitated by the Office of Planning were shallow and did not provide real answers to citizens' questions. Every D.C. resident deserves the opportunity to ask questions regarding proposed changes to our regulations and how said changes will impact our quality of life. The urgency to amend our zoning regulations should not foreclose on the	The case was set down for hearing on September 9, 2013 and Public Hearings were held in November 2013, January, February, July, and September 2014. The Commission left the record open until September 15, 2014 to allow for a full year of public testimony both verbal and written. The Commission finds that there has been ample opportunity for the District's residents to ask questions regarding the new regulations and to provide comments, concerns, and recommendations. The Commission has held Ward specific meeting and held an additional hearing just for Wards 7 and 8. The Commission does not share the characterization of the Office of Planning efforts, but in any case has always realized that the ZRR process belongs to the Commission and it was

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			rights of any D.C. resident to be heard, to engage and to understand how the proposed changes will alter our neighborhoods.	the Commission's goal to hold hearing that were accessible to every District resident. In fact, the Commission ended up cancelling the last of its hearing due to poor attendance.
5D	877		The Zoning Regulations Rewrite process proposes to reduce the participation of and role of the ANCs, regarding matters that directly affect D.C. residents. The role of ANCs is clearly outlined in the District's Home Rule Charter and should not be abridged in any way.	The Zoning Commission finds that just the opposite is true. The amended rules of procedure for the Commission and the BZA make it clear that both bodies must accept ANC reports until the meetings at which a vote on the subject will be held and also recognizes that even if a project is not located within the boundary of an ANC, that ANC is still given great weight if the project is located directly across the street.
5D	1090		Request to reopen the record to allow ANC 5D an opportunity to submit a resolution. The ANC's next meeting is October 13, 2015. The ANC seeks to comment on proposed provisions of the zoning rewrite document that underscore concerns raised at our public meetings. Additionally, ANC 5D seeks guidance from the Office of Planning to fully evaluate the potential impact of the proposed changes on the ANC 5D community. Finally, this request is similar to requests for an extension from ANC 1C and 5A; the Zoning Commission approved an extension of time to submit comments for these commissions. Their comments are due on or before October 21, 2015.	The Commission granted the request and allowed the report if filed by 3:00 p.m. on October 21, 2015.
6B	62, 63, 64, 65	C	ANC 6B supports the proposal to eliminate the minimum parking requirements in residential zones. ANC 6B is discouraged that the proposal would restore the current minimum parking requirements in RF zones. ANC 6B urges the Zoning Commission to eliminate the minimum parking requirement in residential zones.	The Commission believes that the public would be disserved by the complete elimination of minimum parking requirements within residence zones, but decided to not require vehicle parking within the R and RF zone use categories if the lot does not have access to an open, improved and public alley with a right of way width of a minimum of 10 feet.
6B	62, 63, 64, 65	G	The current code allows fast food establishments in C-2-A areas with a special exception. In ZRR, there are three M zones relevant to 6B (M-4, M-26, and M-27). The proposal would prohibit fast food	The adopted regulations provide consistent treatment with respect to prohibiting fast food establishments and food delivery services in the MU-4, MU-17, MU-24, MU-25, MU-26, and



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			establishments in the M-4 and M-27 zones, but not the M-26 zone. ANC 6B requests that the same standard apply in all three M zones (4, 26, and 27) and that the standard be that fast food establishments need a special exception.	MU-27 zones.
6B	62, 63, 64, 65	H	ANC 6B reviewed the list of uses that would apply to the N-6 zone. One use permitted by right - parking - stands out. Currently, within Squares 906, 907, 929, and 930, there are three commercial surface parking lots and one temporary private surface parking lot. To prevent the addition of more surface lots in this small area, ANC 6B requests that surface lots require a special exception in the N-6 zone.	Parking uses in the NC-6 zone, which are accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use is located, are permitted by special exception subject to conditions under the adopted regulations. <i>See</i> Subtitle H.
6B	62, 63, 64, 65	H	ANC 6B supports the conversion of the Eighth Street District to a special N-6 zone provided that the terms of this special zone include the same limitation on eating establishments as in the current district, namely that food and drinking establishment use be limited to 50 percent by lot frontage linear foot and fast food be further limited to half of the 50 percent of linear feet for eating establishments. ZRR appears to create a conflict between a general policy and a specific N-6 policy as regards the limitation on fast food. ANC 6B requests that the text of Subtitle H should exempt the N-6 zone from § 1101.3(b)(1) or amend the language.	The adopted regulations do not modify the terms of the NC-6 zone.
6B	62, 63, 64, 65	E	ANC 6B does not agree that residential units above a corner store should be prohibited. ANC 6B supports encouraging the upper floors of a corner store building to be put to residential use. Indeed, having the owner of the store living above the establishment would seem an especially attractive approach.	The adopted regulations permit one residential unit in the same building as a corner store and the unit would likely be located above the corner store.
6B	62, 63, 64, 65	E	ANC 6B does not agree that a corner store in, for example, a small apartment building on a residentially zoned lot should be prohibited. ANC 6B opposes this limitation.	The adopted regulations do not allow corner stores in apartment buildings in residential zones. Commercial adjuncts, such as an internally focused market serving building tenants, are permitted in the apartment zones, as they are currently allowed.



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6B	62, 63, 64, 65	E	ZRR does not change the current limit of 40% lot occupancy for semi-detached dwellings in RF zones. ANC 6B's docket often includes requests for zoning relief to allow semi-detached dwellings to go to 60% of lot occupancy in conjunction with the building of rear additions. In most cases, ANC 6B agrees fairly routinely to such requests on the theory that there is usually not a persuasive reason for treating a semi-detached dwelling any different than a detached building on the matter of lot occupancy. ANC 6B urges the Zoning Commission to change the lot occupancy requirement for semi-detached dwellings in RF zones to 60%.	Notwithstanding the frequency with which such requests are made, the Commission does not believe the public would be served by the across the board increase to lot occupancy suggested.
6B	62, 63, 64, 65	various	ANC 6B submitted eight technical corrections.	These have been incorporated into the final text.
6B	865	D	ANC 6B opposes OP's alternative amendment that would require any accessory apartment in an accessory building to be permitted as a special exception. The Zoning Commission should approve OP's original language and retain the MOR provision for accessory apartments. With the city facing a housing crisis, accessory apartment provide a much needed affordable housing alternative. While this proposal would not directly impact our commission area (most of ANC 6B consists of the proposed RF zones), we feel strongly that the zoning code should make it easier, not harder, for homeowners in all residential zones to provide accessory units.	Under the adopted regulations, accessory apartments will be permitted in an existing accessory building. Special exception is only required in new or expanded accessory buildings. The Commission continues to believe that the potential for adverse impacts in these circumstances warrant special exception review.
6B	865	D, E	ANC 6B supports OP's alternative amendment that would permit camping on alley lots only by special exception and subject to certain conditions, including a time restriction.	Under the adopted regulations, camping by the owner of an alley lot on the alley lot in a tent, wagon, van, automobile, truck, or trailer, is permitted in the R, RF, and RA zones subject to conditions. The Commission believes that these safeguards suffice.
6B	865	U	ANC 6B supports OP's alternative amendment that more fully defines the "grocery" aspect of corner store provisions. Since "grocery" corner stores would be allowed as a matter of right, we feel that the	The Commission's preliminary final action includes the more detailed definition of grocery as included in the December 2014 draft text. The matter-of-right provisions can be found in

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			more specific definition and requirements are appropriate.	Subtitle U, Chapter 2.
6B	865	U	While we appreciate OP's clarification that residential use is permitted above a corner store, ANC 6B opposes OP's alternative amendment language that continues to prohibit corner stores in buildings with more than one dwelling unit. We do not agree that a corner store in a small apartment building on a residentially zoned lot should be prohibited.	The regulations are intended to permit corner stores in the R-3 and RF zones, which are not apartment zones. The proposed regulations limit the area of corner stores to 1,200 square feet and require that they be located in the principal building. Given the square footage limitation and the intended purpose to provide neighborhood-serving commercial, the intent was not for these corner stores to be located in existing apartment buildings.
6B	865	D, E	ANC 6B opposes OP's alternative amendment that would make beer and wine sales a use that can only be approved as a special exception, a change that will make corner stores less viable. ANC 6B feels that the 15 percent of gross floor area cap, coupled with the public ABC Board process that any corner store would have to go through to get a liquor license provides ample protection for residents living near such stores.	The Commission disagrees and concludes that the potential adverse impact of alcohol sales requires that a special exception be granted in all instances subject to a limitation of 15% of the floor area. This will be a new use in these neighborhoods and the Commission has heard enough concerns over the impact of just the use that it wishes to be conservative over permitting accessory alcohol sales.
6B	865	B	ANC 6B suggests additional revisions to OP's revised definition of "Fast Food Restaurant." Our commission has found that fast food restaurants, including establishments that are considered "fast casual," put significantly more strain on the neighborhood than do other restaurants. Fast food restaurants generally generate high volumes of trash and litter; emanate strong odors from deep frying and other cooking; and attract loitering. As a result, ANC 6B believes that fast food restaurants, including fast casual restaurants, should be subject to the special exception process to allow the community to weigh-in. The current definition of fast food is vague and interpreted narrowly, such that some establishments that operate like fast food are excluded from the definition. ANC 6B believes the revised definition should: (1) cover all fast food restaurants, including fast casual; and (2) more clearly define what constitutes fast food. While we appreciate that OP's revised language may have been	The definitions have been expanded and modified. However, the Commission continues to believe the current definition, which relied upon such purely objective criteria, caused more problems than it solved, and the new definition will result in greater control over this use.

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			intended to advance these goals, we propose the following revisions, to further clarify and improve the definition.	
6B	865	B	ANC 6B supports OP's revised definition of building which addresses the meaningful connection "loophole" in the current zoning code. Our commission has reviewed a number of cases where applicants have used an outdoor trellis to connect a main building to an accessory structure. Under current zoning, the trellis is considered a meaningful connection so that the two buildings are considered one single building, allowing the applicant to avoid seeking additional zoning relief on the accessory structure. OP's revised definition should address this "loophole" by ensuring that a meaningful connection between buildings must be above ground, enclosed, consist of common space, and allow for open passage.	The issue of meaningful connection has been addressed in the definitions section of Subtitle B, which states, "Structures or sections shall be considered parts of a single building if they are joined by an enclosed connection that is fully above grade, is heated and artificially lit; and either a common space shared by users of all portions of the building, such as a lobby or recreation room, or space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway."
6B	865	C	ANC 6B believes it is important to ensure that affordable units built now remain affordable units in the future, even beyond the 30-40 year window after which certain units can revert to market rate, typically associated with current affordable housing projects. Subtitle C, § 2204.1 appears to achieve this goal but only for units created after implementation of the new regulations. It's important that the Zoning Commission carefully review this section of the proposed text to ensure that it achieves the objective of creating long term affordable units, not just for future developments, but for existing ones as well. In reviewing this section, ANC 6B also notes that Subtitle C, § 2201.4(a) exempts areas in Georgetown and near the Naval Observatory from IZ requirements. Perhaps there is a justification for this, but on the surface, it seems to be an exclusion that only heightens the perception of Georgetown as an entitled and exclusive enclave and works against creating socio-economically diverse neighborhoods. All areas of the city, including its most well off neighborhoods, should contribute to solving one of the greatest problems facing DC. ANC 6B also notes that the section exempting large areas	These recommendations have not been incorporated into the adopted regulations. The Inclusionary Zoning regulations, which require a set-aside of affordable housing, will be reviewed separately in Z.C. Case No. 04-33G.

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			of Georgetown is a recent amendment which has had little prior scrutiny and further reinforces our objection to the exemptions.	
6B	865	G, J, K	ANC 6B supports OP's alternative amendment requiring a special exception for all new large format retail establishments with single tenant space of 50,000 square feet or greater.	The Commission agreed and adopted the special exception requirement for new and expanded stores. See Subtitle U § 511.1(j).
6B	865	C	ANC 6B opposes OP's alternative amendment to remove Priority Bus Corridors from the areas within which required parking may be reduced up to 50% as a MOR. We continue to strongly support OP's original proposal that would have fully removed parking minimums from 1) single-family homes or residential development of less than 10 units and 2) apartment or commercial mixed-use zones within 1/2 mile of Metro or 1/4 mile of Priority Bus Corridors. OP's alternative amendment represents a further watering down of this original proposal and also sends an unhelpful signal that bus transit should be treated differently than other forms of transit for purposes of zoning.	The OP alternative amendment was not accepted by the Commission in their final action. The final draft regulations permit a reduction in the required parking by 50% for those sites within .25 mile of a Priority Corridor Network Metrobus Routes located entirely or partially within the District of Columbia, provided that the property is on a street on which participation in a District Residential Parking Permit program is not permitted, or is otherwise exempted from a District Residential Parking Permit program.
6B	940	H	Once again ask the Zoning Commission to make a technical correction in the text pertaining to the new NC-6 "Eighth Street Southeast Neighborhood Mixed Use Zone" and its limitations on eating and drinking establishments. NC-6 is a special zone that exists solely within ANC 6B. In testimony before the Zoning Commission on November 13, 2013, ANC 6B supported the conversion of the Eighth Street Overlay District to an NC-6 zone provided that the terms of this special zone include the same limitation on eating establishments as in the current district, namely that food and drinking establishment use be limited to 50% by lot frontage linear foot and fast food be further limited to half of the 50% of linear feet for eating establishments. ANC 6B requests that the text of Subtitle H exempt the NC-6 zone from § 1101.3(b)(1) or that section be amended to read: These uses shall occupy no more than 25% of the linear street frontage within a particular N zone (50% in the NC-6 zone), as measured	The language discussed has been corrected to reflect the existing provisions and restrictions of the Eighth Street Overlay.

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			along the lots that face designated roadways in the particular district; and". ANC 6B urges the Zoning Commission to implement the long-delayed and oft reviewed ZRR and ensure no further delays in the approval process. The Commission hopes not to have to spend time reviewing a second proposed rulemaking.	
6C	221		Request an extension in the deadline for submission of comments or to ask that the record be help open to allow the ANC to finish its review of items that affect our community.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.
6C	409	E	Subtitle E, Section 901, alley lots. The commissioners voted to disapprove 100% lot occupancy for all alley lots. Rather, a gradual change in lot occupancy based on lot size is recommended: 100% lot occupancy for a lot of 900 square feet or less; a percentage reduction equal to 2% per 45 feet above 900 square feet up to 1800 square feet; and 60% for lots of 1800 square feet and larger. Reasons for this recommendation include the excessive lot occupancy permitted under the proposal, and the undesirable "stairstep" effect of sharply reducing allowable lot occupancy at specific lot area thresholds. Also, an error was pointed out in the zoning proposal text; a requirement of 10% pervious surface is inconsistent with 100% lot occupancy.	The adopted regulations limit lot occupancy on alley lots based on lot size (100% for lots less than 1,800 square feet, 90% for lots between 1,800 and 2,000 square feet, and 80% for lots larger than 2,000 square feet).
6C	409	E	Subtitle E, Sections 1101.1(e) and 1106, residential flat zones. The corner store provisions should be modified to require a special exception in all cases (as opposed to allowing a fresh food market/grocery store as a matter of right subject to several conditions.)	The Commission respectfully disagrees. The corner stores that will be permitted as a matter of right are subject to stringent conditions that will assure no adverse impacts.
6C	409	E	Subtitle E, Section 801. The commissioners voted to support the amendments proposed in Chapter 8, but noted that § 801.4(b) needs to be revised to include the construction of a new accessory building for residential purposes (in order to correspond to § 1201.2(b)).	Prior to the final regulations being adopted, the Office of Planning, Office of Zoning, and Office of Attorney General have reviewed the draft text for consistency.

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6C	410	C	Subtitle C, Section 2002.1, bicycle spaces for large apartment buildings. The commissioners voted to change the ratio of bicycle spaces per building resident from 1 space per three dwelling units to 1 space per two dwelling units.	The Commission respectfully disagrees and believes that the adopted regulations, which require one long-term bicycle parking space for every three dwelling units, is preferable. This is consistent with current DDOT bicycle parking requirements.
6C	410	C	Subtitle C, Section 1902.1, reorganization and clarification. The commissioners voted to make clear that residential zones covered by Subtitles D and E are excluded from the 50% parking reduction requirement. Specifically, subsection (a) should be incorporated into the introductory paragraph of this section rather than being broken out in the list of subconditions (which are otherwise applicable in the disjunctive). It was suggested that the submission include the wording that "this is how we interpreted the section and we endorse the interpretation."	The Commission determined that the language in Subtitle C, § 702.1 makes it clear that the 50% reduction does not apply in R and RF zones.
6C	411	I	Subtitle I, Section 601.1, downtown zone to include NoMa. The commissioners voted to expand the downtown zone to include the proposed areas of NoMa and to eliminate minimum parking requirements in that portion of NoMa.	NoMa is covered by the downtown provisions, which include no minimum parking requirement.
6D	701	I	Retain the existing C-3-C zoning for parcels 646, 648, and 649 rather than to rezone these parcels to D-5-B-1. This will alter the maximum height from 90 to 130. We contend that all large developments should go through the planned unit development process. This process best ensures a development that exhibits a high-quality design that responds to the surrounding context and mitigates many adverse impacts.	The Commission respectfully disagrees. Regulations require a 1:1 setback above 110 feet and a 15-foot setback for the entire length of the building frontage on South Capitol Street. The regulations also prohibit parking or loading on facades facing South Capitol Street in this area. The Commission determined that this affords adequate protection and does not believe that the PUD process would serve as a reasonable substitute.



ANC	Exhibit #	Subtitle	Comment	Response
7B	1095		<p>ANC 7B supports the D.C. Comprehensive Plan's guidance on transparent decision-making and requests that all neighborhoods city wide receive the ANC-specific Development Standards Comparison Matrix (showing the heights, densities, lot occupancies, and required yard distances) of the current zoning districts versus the proposed districts in any given ANC district. We understand that not all neighborhoods have received such a "targeted" matrix. In the interest of fairness and transparency, and to clearly explain the ZRR to everyone, we ask that all neighborhoods receive a targeted matrix. ANC 7B asks for a redline document showing how the language of the draft ZRR reviewed and voted on by the Zoning Commission in December 2014 may have changed with that of the language published in the <i>D.C. Register</i> in May 2015. This is standard protocol for rulemaking proceedings. ANC 7B requests that OP and the ZC make the current and proposed zoning maps available to all neighborhood civic groups and ANCs for a side-by-side comparison to assure that new zone districts are mapped correctly as found in the inter-related Zoning Case No. 08-06C. ANC 7B supports the call for more time to review the final language of the ZRR in light of the redline and maps. This is reasonable in light of the fact that the ZRR implements fundamental policy changes that will permanently affect the scale, scope and look of the city. While the ZRR process has been ongoing since 2007, the language was voted on less than a year ago.</p>	<p>ANC-specific summaries of the pending changes to the Zoning Regulations were provided to each ANC in March 2013 via email and were uploaded to the case record as Exhibits 621 through 664. Additionally, zone comparison tables were entered into the record as Exhibits 717, 718, 720, 762 through 766, and parking comparison tables as Exhibits 721 and 722. As the Commission took proposed action, OP updated the zone comparison tables and posted them on the OP website and provided customized groups as requested in the summer of 2015. The Development Standards Comparisons were provided to ANC 7B Commissioner Chittams via email on September 3, 2015 and Commissioner Marlin on September 10, 2015. As to providing a comparison between the text approved by the Commission at the time it took proposed action and the text as published in the <i>D.C. Register</i>, it is not at all standard rulemaking practice to do so. In fact, in almost all circumstances, the public does not see any iteration of the text of a rule until that text is published. The Commission is among the few District agencies that publicly deliberate upon a rulemaking before the rule is published. Nor was such a comparison needed. The changes between the text approved by the Commission and the text published were technical in nature or were made to conform the text with the Commission's intent as stated in December 2014.</p>
7C	363		<p>ANC 7C resolves to submit our concern based on solid evidence that the Zoning Rewrite process does not allow for meaningful public participation or proper review of the draft regulations as this draft was only recently submitted by Office of Planning to the Zoning Commission, and printed drafts were only recently made available at public libraries; and ANC 7C respectfully requests the Zoning Commission to postpone any rulemaking</p>	<p>The ZRR process has been well-publicized and has included extensive community outreach, as follows:</p> <ul style="list-style-type: none"> <li>• June/July 2007 –Commission roundtables.</li> <li>• 2008 to 2011 – 81 public work group meetings were held on 20 topic areas, with over 1,000 participants.</li> <li>• 2007 – 2013 – OP created a Task Force of 25 residents – met 42 times.</li> </ul>



ANC	Exhibit #	Subtitle	Comment	Response
			<p>regarding OP's draft zoning amendments, and keep the record completely open for at least 180 days, or until a much more robust and fair review can be had so that a thoughtful and thorough response from the public, including this ANC, can be delivered for deliberations by the DC ZC. ANC 7C requests the Office of Planning to visit our community for public community consultations and meetings to discuss the impacts of the draft regulations, both City-wide and specific to our neighborhood, so we can understand the full scope of the zoning rewrite to provide informed feedback to the ZC. We want the same treatment from the Office of Planning as that received by the Georgetown ANC regarding direct feedback and conversation with OP to create a custom zone for our ANC and constituents. ANC 7C has thus far not received this attention by OP.</p>	<ul style="list-style-type: none"> <li>• 2008 – present – The Commission held 59 public hearings and meetings, to provide guidance and, in some cases, approve proposed text.</li> <li>• December 2012 – January 2013 – Public meetings, one in each ward (eight public meetings, two twitter townhall meetings).</li> <li>• 2008 – present – Over 100 meetings with ANCs, community groups and special interest groups.</li> </ul> <p>On September 9, 2013, the Commission set down the proposed ZRR text for public hearings and has held 15 public hearings since November 2013. The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.</p>
7F	975		<p>ANC 7F advises the Zoning Commission to extend the time to review the final language of the ZRR; With this extension of time, ANC 7F requests assistance to provide meaningful comment on the ZRR and thus requests the following information: 1) An ANC 7F specific Development Standards Comparison Matrix (showing the heights, densities, lot occupancies, and required yard distances) of the current zoning districts versus those found in the newly proposed districts in ANC 7F. We would like what ANC 1C and ANC 5A received from OP, by way of example see here: <a href="http://tinyurl.com/anc5a-matrix-zrr">http://tinyurl.com/anc5a-matrix-zrr</a> 2) A redline document showing how the language of the draft ZRR reviewed and voted on by the Zoning Commission in December 2014 may have changed with that of the language published in the <i>D.C. Register</i> in May 2015. 3) ANC 7F requests that OP provide printed maps of both the current D.C. zone map and the proposed zone map which visibly demonstrates how the current zone districts are renamed and then remapped per the inter-related Zoning Case No. 08-06C (Map Amendment to Implement the Comprehensive Revisions to the Zoning Regulations, including New Zone Names).</p>	<p>The Commission voted 5-0-0 at its September 21, 2015 Regular Public Meeting to decline the request for translations and additional extensions after reviewing the level of outreach, public hearings, and extensions already granted. The Commission addressed the issue of a redline copy of the regulations during its deliberations and stated that due to the comprehensive nature of the revisions, the entirety of the existing code would be redlined and replaced with updated text. Therefore, preparation of a redline document would not be productive. The Office of Planning submitted comparison documents to aid in the review of the proposed regulations against the existing zoning. Copies of the ANC 7F Development Standards Comparison Matrix was provided to ANC 7F.</p>

ANC	Exhibit #	Subtitle	Comment	Response
7F	1077		Advisory Neighborhood Commission 7F would like to weigh in on the massive overhaul to zoning that will affect all of our ANC-area members. Despite the ruling by the Zoning Commission on September 21, 2015 that denied our ANC time to weigh in, we reiterate this request. Given that ANC 7F did not receive the information from the Office of Planning until 10:40 am today. ANC 7F is seeking an extension of time until October 22. The ANC does not meet again until October 21. That would give the Office of Planning time to explain the information they shared, and then allow time for our community to digest this information and comment meaningfully. We believe that if you can give ANC 4A constituents more time then my community/constituents are asking for the same consideration.	The Commission voted 5-0-0 at its September 21, 2015 Regular Public Meeting to decline the request for additional extensions after reviewing the level of outreach, public hearings, and extensions already granted. The Commission has afforded far more time for public comment than is required under the Administrative Procedure Act and notes that the comments it has received from the public and the ANCs demonstrate a firm understanding of what it being proposed.
8A	279		ANC 8A requests that the ZRR Zoning Commission Case No. 08-06A for Public Hearings be extended 180 days from the date of the first hearing held on Monday, November 4, 2013. This extension will grant the ANC Commissioners and the Community the time to review the Zoning Re-write, seek any professional consultations and develop an intelligent response to the key areas that will affect the lives of our Constituents. We are requesting that the record be left open for written comment and additional Public Hearings be scheduled throughout the 180-day period.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.
8C	225		We are requesting the record for the Zoning Changes be kept open for an additional 180 days to allow the Commissioners in Ward 8 to read and discuss the changes.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.
8E	224		Recommend that the Zoning Commission postpone any rulemaking regarding OP's draft zoning amendments, and keep the record completely open for at least 180 days, or March 31, 2014, to ensure robust and fair review can be had and that a thoughtful and thorough response from the public, including this ANC, can be delivered for deliberations by the Zoning Commission.	The Commission left the record open until September 15, 2014. This provided additional time for review and comment, and represents 12 months since the Commission set the case down for public hearing.

ANC	Exhibit #	Subtitle	Comment	Response
8E	1094		ANC -8E resolves to: Request the Zoning Commission extend the public record at least an additional three months so that our ANC and the public in general can review the ZRR and provide comment; Request the provision of critical documentation and information from the Office of Planning and Zoning Commission so we can share with our constituents, and to help our ANC over the next three months provide informed comment to the record; Receive "Great Weight" responses regarding our concerns and advise with regards to the ZRR as found in Points 3 through 7, shown above.	The Commission voted 5-0-0 at its September 21, 2015 Regular Public Meeting that there was extensive public outreach and several extensions, and declined the request for translation, and additional extensions and outreach.
3/4G	59, 60, 61	Y	Subtitle Y § 604.8 should be amended to read "For purposes of this chapter, a decision or order shall be and become final upon its filing in the record and service upon the parties within XXX days [45, 60, 90 days].	This recommendation has not been incorporated into the adopted regulations. Board orders are served upon the parties at the same time that the order is issued. There is no reason to specify a time period.
3/4G	59, 60, 61	D	Subtitle D § 205.1 The draft regulations provide that "a front setback shall be provided in the R-1, R-2, R-3, and R-4 zone that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed." This is a welcome concept - to maintain a relatively uniform front setback line on any given block, but we suggest some definition to the phrase "within the range." Specifically, Subtitle D § 205.1 should cross reference Subtitle C § 1002.1, which provides further specific guidance in this respect.	Subtitle B provides general rules of measurement and § 314.2 states, "By an "existing range of blockface" cited for a zone; buildings and structures in the zone must be setback between from the street lot line by at least as much as the existing building on the blockface closest to the street, and no more than the existing building on the blockface furthest from the street."
3/4G	980	U	§ 253.2 - Objects to the new provision of accessory apartments being allowed in accessory buildings, such as above a garage or storage building. However, this ANC is in favor of allowing accessory apartments in the principal building with the provisions being currently proposed in the Regulations.	The Commission understands the ANC's position, but believes that the special exception process, which will apply to any accessory apartments in new or expanded accessory buildings, will safeguard neighborhoods against any adverse impacts.
3/4G	980	B	The definition of a cellar was not changed as requested by the ANC in 2013. Currently "cellar" is defined as "that portion of a story, the ceiling of which is less than four feet above the adjacent finished grade." We request that this be amended to read "...above the existing grade." "Existing" is	This recommendation has not been incorporated into the adopted regulations. "Existing" is vague with respect to time; therefore, the regulations continue to use "finished" grade, which is defined.

ANC	Exhibit #	Subtitle	Comment	Response
			easier to define than "finished," which can be altered. The Cafritz building at 5333 Connecticut Avenue presents this anomalous situation, whereby what appears to be ground "floor" units might be re-cast as "cellar" units because of an artificial berm that will ring the area.	
3/4G	980	B	§ 308.4 - Favors an absolute height limit for residential buildings. With language such as that used for flat roofs in Subtitle B § 308.3: "the building height shall be measured from the Base Height Measuring Point to the highest point of the roof or parapet, excluding parapets and balustrades not exceeding 4 ft. in height."	The issue of measuring height of residential buildings was discussed as part of case Z.C. Case No. 12-11. The Commission determined in that case that measuring height to absolute highest point would incentivize flat roofs in order to maximize the volume of a house, whereas measuring to the mid-point of a roof recognizes the pitch and slope roofs which are often part of the character defining features of a residential neighborhood. The Commission found no change in circumstances since case Z.C. 12-11 and decided not to change how height is measured through this case (08-06A).
3/4G	980	B	§§ 307.5 and 308.7 - Requests that both the building height and measurement of that height from grade be established by the street selected as the front of the building. We oppose the so called "mix-and-match" rule, preserved in the 2015 rewrite, allowing a builder to select one street frontage to generate the height limit, but then apply that height limit to a different frontage that is "selected as the front of the building," thus allowing for a height limit that would be in excess of that permitted from either frontage.	The way height is measured has been changed to more accurately reflect the built height of a building; however, the "mix and match" approach was retained in the adopted regulations. It reflects long-standing zoning practice and the wording of § 7 of the federal 1910 Height Act which reads " . . . If the building has more than one front, the height shall be measured from the elevation of the sidewalk opposite the middle of the front that will permit the greater height . . . ."
3/4G	980	C	§ 701.5 - This table contains the minimum parking requirements for apartment buildings in residential zones, requiring "1 space per 3 dwelling units in excess of 4 units, except 1 per 2 dwelling units for any zone within Subtitles D or E..." What this means along our Connecticut Avenue commercial corridor is that an apartment building with less than 4 units need provide no parking, and an apartment building with 9 units need provide only one parking space (1 for the 3 units in excess of 4, with the	The Commission considered the parking standards holistically and determined that the proposed standards recognize the changes in travel habits, use of alternate forms of transportation, the cost of parking, and environmental concerns. The Commission found no evidence that Connecticut Avenue should be treated differently from other major corridors.

ANC	Exhibit #	Subtitle	Comment	Response
			remaining 2 units not yielding an additional parking spot requirement). ANC 3/4G disagrees with this relaxed parking requirement - it should be a simple rule of 1 parking space for every 3 units.	
3/4G	980	C	§ 1501.3 - Recommends that there be an absolute 10-foot extra height limit for any structure or other embellishment that sits above the roof on which it is located, whatever rooftop item might be called (spire, tower, done, etc.), in any residential zone.	The Commission did not make this change in Z.C. Case No. 14-13, which concerned roof structures. The Height Act permits these types of structures above its otherwise applicable limit by waiver, and the Commission sees no basis in not permitting matter of right flexibility for such architectural embellishments below the Height Act limit subject to the limitation stated.

## APPENDIX C: SUMMARY OF COMPREHENSIVE PLAN POLICIES AND ZONING REVISIONS

ZONING ISSUES	COMPREHENSIVE PLAN CITATION	COMPREHENSIVE PLAN TEXT
<b>The Zoning Regulations</b> <ul style="list-style-type: none"> <li>Process and Format</li> </ul>		
	IM-1.3	The Zoning Regulations need substantial revision and reorganization, ranging from new definitions to updated development and design standards, and even new zones.
<b>The Zoning Regulations (Subtitle B and Land Use Subtitles)</b> <ul style="list-style-type: none"> <li>Reorganization</li> <li>Use Groups</li> <li>Use Permissions</li> <li>Definitions</li> </ul>		
Zoning Regulations and Consistency	Action IM-1.3.C-	Review the definitions used in planning, zoning, building, and housing codes to determine if changes are needed to establish consistency between District agencies.
Using Zoning to Achieve Design Goals	Action UD-2.2.B	Explore zoning and other regulatory techniques to promote excellence in the design of new buildings and public spaces. Zoning should include incentives or requirements for facade features, window placement, courtyards, buffering, and other exterior architectural elements that improve the compatibility of structures, including roof structures, with their surroundings while promoting high architectural quality
Amendment of Exterior Wall Definition	Action LU-2.1.B	Amend the city's procedures for roof structure review so that the division-on-line wall or party wall of a row house or semi-detached house is treated as an exterior wall for the purposes of applying zoning regulations and height requirements.

<b>ZONING ISSUES</b>	<b>COMPREHENSIVE PLAN CITATION</b>	<b>COMPREHENSIVE PLAN TEXT</b>
Zoning Changes to Reduce Land Use Conflicts in Residential Zones	Action LU-2.3.A	<p>As part of the comprehensive rewrite of the zoning regulations, develop text amendments which:</p> <ol style="list-style-type: none"> <li>Expand buffering, screening, and landscaping requirements along the edges between residential and commercial and/or industrial zones;</li> <li>More effectively manage the non-residential uses that are permitted as a matter-of-right within commercial and residential zones in order to protect neighborhoods from new uses which generate external impacts;</li> <li>Ensure that the height, density, and bulk requirements for commercial districts balance business needs with the need to protect the scale and character of adjacent residential neighborhoods;</li> <li>Provide for ground-level retail where appropriate while retaining the residential zoning along major corridors; and</li> <li>Ensure that there will not be a proliferation of transient accommodations in any one neighborhood</li> </ol>
Group Housing	Action LU-3.4.C	Analyze spatial standards used to regulate group homes and homeless shelters, and determine whether modifications are necessary to create additional siting opportunities. Consider allowing group homes and homeless shelters in the CM-1 and CM-2 zones.
Child Care Centers	Action CSF-2.2.A	Identify barriers to the development of child care centers in the District.
<b>Sustainability (Subtitle C)</b> <ul style="list-style-type: none"> <li>Pervious surface requirements</li> <li>Green Area Ratio- adjust for mature tree canopy</li> <li>Parking lot landscape requirements</li> <li>Tree and Slope protection standards</li> <li>Define and allow urban agriculture</li> <li>Define sustainable energy equipment as mechanical for roof structure purposes</li> <li>Allow green roof extra inches for height</li> </ul>		
Conserving and Expanding Our Urban Forest	Policy E-1.1	The benefits of a healthy urban forest, including street trees, trees in parks and other public places, and trees on private lands, are well documented. Trees add beauty, improve mental health, reduce water pollution, absorb noise, produce oxygen and absorb greenhouse gases, and provide habitat for birds and small animals.



<b>ZONING ISSUES</b>	<b>COMPREHENSIVE PLAN CITATION</b>	<b>COMPREHENSIVE PLAN TEXT</b>
Tree Requirements in New Development	Policy E-1.1.2	Use planning, zoning, and building regulations to ensure that trees are retained and planted when new development occurs, and that dying trees are removed and replaced. If tree planting and landscaping are required as a condition of permit approval, also require provisions for ongoing maintenance.
Grading and Vegetation Removal	Policy E-1.3.2	Encourage the retention of natural vegetation and topography on new development sites. Grading of hillside sites should be minimized and graded slopes should be quickly revegetated for stabilization.
Conservation of Steep Slopes	Policy E-1.4.1	Strongly discourage development on steep slopes ( <i>i.e.</i> , greater than 25 percent), such as those found along stream valleys in Upper Northwest and Southeast D.C.
Energy Efficient Building and Site Planning	Policy E-2.2.5	Include provisions for energy efficiency and for the use of alternative energy sources in the District's planning, zoning, and building standards. The planning and design of new development should contribute to energy efficiency goals.
Conserving Energy	Action E-2.2.F	Review local building codes and regulations to identify potential barriers to achieving energy efficiency goals, and to identify possible changes which would support energy goals.
Low Impact Development	Policy E-3.1	Low Impact Development (LID) refers to a variety of construction and design techniques that conserve the natural hydrology of development or redevelopment sites. It includes small-scale practices that allow water to infiltrate, evaporate, or transpire on-site rather than flowing off and entering local storm drains and waterways. In urban areas like the District of Columbia, typical LID measures include green roofs (which absorb rainwater and also reduce energy costs), porous pavement, limits on impervious surface cover, rain barrels, and rain gardens. On larger development sites in the city, LID measures could include such features as artificial wetlands, stormwater detention ponds, and earthen drainage swales.
Maximizing Permeable Surfaces	Policy E-3.1.1	Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce urban runoff.
Using Landscaping and Green Roofs to Reduce Runoff	Policy E-3.1.2	Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces.

<b>ZONING ISSUES</b>	<b>COMPREHENSIVE PLAN CITATION</b>	<b>COMPREHENSIVE PLAN TEXT</b>
Low Impact Development Criteria	Action E-3.1.A	Establish LID criteria for new development, including provisions for expanded use of porous pavement, bioretention facilities, and green roofs. Also, explore the expanded use of impervious surface limits in the District's Zoning Regulations to encourage the use of green roofs, porous pavement, and other means of reducing stormwater runoff.
Mitigating Development Impacts	Policy E-3.4.1	Take measures to ensure that future development mitigates impacts on the natural environment and results in environmental improvements wherever feasible. Construction practices which result in unstable soil and hillside conditions or which degrade natural resources without mitigation shall be prohibited.
Improving Water Quality	Policy E-4.2.1	Improve the quality of water in the District's rivers and streams to meet public health and water quality standards, and maintain the physical, chemical, and biological integrity of these watercourses for multiple uses, including recreation and aquatic life.
Control of Urban Runoff	Policy E-4.2.3	Continue to implement water pollution control and "best management practice" measures aimed at slowing urban runoff and reducing pollution, including the flow of sediment and nutrients into streams, rivers, and wetlands.
<b>Parking and Transit (Subtitle C)</b> <ul style="list-style-type: none"> <li>• Creation of Transit Area Tools <ul style="list-style-type: none"> <li>1) Reduce minimum requirements</li> <li>2) Establish street facing design</li> </ul> </li> <li>• Revising parking requirements in all zones</li> <li>• Establish one consistent parking standard for apartments in all RA zones</li> <li>• Establish landscape standards for parking lots</li> <li>• Special exception for parking lots over 100,000 sf in area</li> <li>• Bike parking standards</li> <li>• Maintain school parking standards</li> <li>• Maintain parking requirement in the R-1, R-2 and R-3 zones when there is an alley for access</li> </ul>		
Transit-Oriented and Corridor Development	Policy LU-1.3	<p>A priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking...</p> <p>While transit-oriented development is most commonly thought of as a strategy for Metrorail station areas, it is also applicable along premium transit corridors and the city's "Great Streets."</p>

<b>ZONING ISSUES</b>	<b>COMPREHENSIVE PLAN CITATION</b>	<b>COMPREHENSIVE PLAN TEXT</b>
TOD Overlay Zone	Action LU-1.3.B	During the forthcoming revision to the zoning regulations, create a TOD overlay district. The overlay should include provisions for mixed land uses, minimum and maximum densities (inclusive of density bonuses), parking maximums, and buffering and design standards that reflect the presence of transit facilities. Work with land owners, the DC Council, local ANCs, community organizations, WMATA, and the Zoning Commission to determine the stations where such a zone should be applied. The emphasis should be on stations that have the capacity to accommodate substantial increases in ridership and the potential to become pedestrian-oriented urban villages. Neighborhoods that meet these criteria and that would welcome a TOD overlay are the highest priority.
Central Employment Area	Policy LU-1.1.3	The Plan directs planning and zoning efforts to encourage the creative management of parking around transit stations, ensuring that automobile needs are balanced with transit, pedestrian, and bicycle travel needs. New parking should generally be set behind or underneath buildings and geared toward short-term users rather than all-day commuters.
Residential Parking Requirements	Policy LU-2.1.11	Revisions to the District's Zoning Regulations should ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be considered where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated.
Housing Around Metrorail Stations	Policy LU-1.3.3	Recognize the opportunity to build senior housing and more affordable "starter" housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations.
Design To Encourage Transit Use	Policy LU-1.3.4	Require architectural and site planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort and convenience of passengers walking to the station or transferring to and from local buses. These improvements should include lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots.
Transportation Demand Management (TDM) Programs	Policy T-3.1.1	Provide, support, and promote programs and strategies aimed at reducing the number of car trips and miles driven (for work and non-work purposes) to increase the efficiency of the transportation system.

<b>ZONING ISSUES</b>	<b>COMPREHENSIVE PLAN CITATION</b>	<b>COMPREHENSIVE PLAN TEXT</b>
Employing Innovations in Parking	Policy T-3.2.2	Consider and implement new technologies to increase the efficiency, management, and ease of use of parking. These include consolidated meters, changeable parking meter fees by time of day or day of the week, shared-use parking, vertical/stacked parking, electronic ticketing of parking offenders and other innovations.
Surface Parking	Policy UD-2.2.10	Encourage the use of shade trees and landscaping or screening of surface parking areas. Parking should be designed so that it is not the dominant element of the street, and should be located behind development rather than in front of it.
Strip Shopping Centers	Policy UD-2.2.12	Ensure that zoning and parking standards discourage strip commercial shopping centers and auto-oriented building designs within designated neighborhood centers.
Bicycle and Car-Pool Parking	Action T-2.2.C	Increase investment in bicycle parking and provide more visible parking for car-sharing operations at Metrorail stations, key bus stops, and future streetcar stations.
Bicycle Facilities	Action T-2.3.A	Wherever feasible, require large new commercial and residential buildings to be designed with features such as secure bicycle parking and lockers, bike racks, shower facilities, and other amenities that accommodate bicycle users.
Bicycle Master Plan	Action T-2.3.B	Provide bicycle parking in public space and encourage bicycle parking in private space.
Unbundle Parking Cost	Action T-3.2.D:	Find ways to “unbundle” the cost of parking from residential units, allowing those purchasing or renting property to opt out of buying or renting parking spaces. “Unbundling” should be required for District-owned or subsidized development, and the amount of parking in such development should not exceed that required by Zoning. Further measures to reduce housing costs associated with off-street parking requirements, including waived or reduced parking requirements in the vicinity of Metrorail stations and along major transit corridors, should be pursued during the revision of the Zoning regulations. These efforts should be coupled with programs to better manage residential street parking in neighborhoods of high parking demand, including adjustments to the costs of residential parking permits.
Central Washington Multi-modal Transportation System	Policy CW-1.1.14	Develop and maintain a balanced multi-modal transportation system for Central Washington which makes optimal use of the existing street network, the Metrorail and commuter rail networks, the bus system, and public spaces including sidewalks and alleys. Mass transit should be supported as the dominant form of transportation to, from, and around the area.

ZONING ISSUES	COMPREHENSIVE PLAN CITATION	COMPREHENSIVE PLAN TEXT
<b>Loading (Subtitle C)</b> <ul style="list-style-type: none"> <li>• Allow for shared loading docks</li> <li>• Allow for smaller loading docks</li> <li>• Remove 55' loading berth requirement</li> </ul>		
Goods Movement and Service Delivery within Central Washington	Policy CW-1.1.19	<p>Strongly discourage the obstruction of public rights-of-way by goods and service delivery activities. Provide for the efficient and convenient movement of goods and delivery of services within Central Washington by:</p> <ul style="list-style-type: none"> <li>a. Maintaining and improving interior alleys where needed to provide for off street loading facilities and minimize curb cuts on streets;</li> <li>b. Encouraging the consolidation of loading areas within new development and limiting on-street service deliveries;</li> <li>c. Requiring adequate off-street or below grade loading and service parking areas;</li> <li>d. Converting on-street loading facilities to off-street facilities whenever possible; and</li> <li>e. Managing goods and service delivery times.</li> </ul>
	Policy CW-1.2.2	Preserve alleys that provide for off-street loading, deliveries, and garage access
	Policy T-3.3, T-3.4	Parking spaces for loading and unloading of small trucks such as courier vans and pickup trucks
<b>Inclusionary Zoning (Subtitle C)</b> <ul style="list-style-type: none"> <li>• Housing affordability</li> <li>• Expand requirements to new D zones</li> </ul>		
Inclusionary Zoning	Action H.1.2.A	Require affordable units for low income households in all new residential developments of 10 units or greater, with accompanying provisions for density bonuses and long-term affordability.

ZONING ISSUES	COMPREHENSIVE PLAN CITATION	COMPREHENSIVE PLAN TEXT
<b>Low-Moderate Density Residential (R-1 through R-4) (Subtitles D and E)</b> <ul style="list-style-type: none"> <li>• Create New rowhouse zones, RF</li> <li>• Limit on residents in boarding houses</li> <li>• Limit on roof structure heights on residential building</li> <li>• Clarify how height is measured</li> <li>• Allow for accessory apartments interior to principal building by right in the R-1, R-2 and R-3 zones</li> <li>• Allow for accessory apartments in existing accessory buildings by right with conditions in the R-1, R-2 and R-3 zones</li> <li>• Allow for accessory apartments in accessory buildings with new construction by special exception</li> <li>• Allow corner stores subject to conditions in RF (rowhouse) zones</li> <li>• Prohibit alley dwellings in in the R-1, R-2 and R-3 zones</li> <li>• Require special exception for alley dwellings in other RF and RA zones</li> <li>• Establish front yard setback range</li> </ul>		
Preserving neighborhood scale: Pop-ups	Policy LU-2.1.7: Conservation of Row House Neighborhoods	Protect the character of row house neighborhoods by requiring the height and scale of structures to be consistent with the existing pattern
		Upward and outward extension of row houses which compromise their design and scale should be discouraged.
New Rowhouse Zone	Action LU-2.1.A	Develop a new zoning district or divide the existing R-4 district into R-4-A and R-4-B to better recognize the unique nature of row house neighborhoods and conserve their architectural form (including height, mass, setbacks, and design).
Preserving neighborhood building form and scale	Policy UD-2.2.1: Neighborhood Character and Identity	Strengthen the defining visual qualities of Washington’s neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.
	Policy UD-2.2.6: Maintaining Facade Lines	Generally maintain the established facade lines of neighborhood streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings.
	Action LU-2.1.D	Consider adjustments to the zoning regulations to address the construction of excessively large homes that are out of context with the surrounding neighborhood.
Housing for Families	Policy H-1.3.1	Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments.

<b>ZONING ISSUES</b>	<b>COMPREHENSIVE PLAN CITATION</b>	<b>COMPREHENSIVE PLAN TEXT</b>
Diversity of housing types	Action H-1.3.A	Make necessary changes (R-4 zone, in particular) to preserve row houses as single-family units to conserve the city’s inventory of housing for larger households. Create an R-4-A zone for one and two family row houses and another zone for multi-family row house flats.
Accessory apartments	Action H-1.5-B	Explore changes which would facilitate development of accessory apartments (also called “granny flats” or in-law units), English basements, and single room occupancy housing units. Any changes to existing regulations should be structured to ensure minimal impacts on surrounding uses and neighborhoods.
	Action AC-3.1.A	Zoning should be revised to facilitate the creation of live-work space and make it easier to use garages or accessory buildings as artist studios.
Retention of Non-Conforming Retail	Action NNW-2.1.B	Investigate zoning tools to retain Shaw’s non-conforming retail corner stores and other existing retail uses within residential zones.
<b>High Density Residential and Mixed Use (Subtitles F and G)</b>		
Multi-Family Neighborhoods	Policy LU-2.1.10	Maintain the multi-family residential character of the District’s Medium and High-Density residential areas. Limit the encroachment of large scale, incompatible commercial uses into these areas, and make these areas more attractive, pedestrian-friendly, and transit accessible.
Transitional and Buffer Zone Districts	Policy LU-2.3.4	Maintain mixed use zone districts which serve as transitional or buffer areas between residential and commercial districts, and which also may contain institutional, non-profit, embassy/chancery, and office-type uses. Zoning regulations for these areas (which currently include the SP-1 and SP-2 zones) should ensure that development is harmonious with its surroundings, achieves appropriate height and density transitions, and protects neighborhood character.
Transient Accommodations in Residential Zones	Policy LU-2.3.9	Continue to distinguish between transient uses—such as hotels, bed and breakfasts, and inns—and permanent residential uses such as homes and apartments in the District’s Zoning Regulations. The development of new hotels on residentially-zoned land should continue to be prohibited, incentives for hotels (such as the existing Hotel Overlay Zone) should continue to be provided on commercially zoned land, and owner-occupancy should continue to be required for transient accommodations in residential zones.
Co-operatives and Co-housing	Policy H-1.3.4	Encourage cooperatives, shared housing, and co-housing (housing with private bedrooms, but shared kitchens and common areas) as a more affordable alternative to condominiums. Ensure that such housing is appropriately regulated to avoid adverse effects on surrounding residences and neighborhoods.



<b>ZONING ISSUES</b>	<b>COMPREHENSIVE PLAN CITATION</b>	<b>COMPREHENSIVE PLAN TEXT</b>
Single Room Occupancy Units	Policy H-1.3.6	Allow the development of single room occupancy (SRO) housing in appropriate zone districts.
Commercial Corridors	Policy UD-3.1.6 and Policy UD-3.1.7	Along walkable shopping streets create street walls with relatively continuous facades built to the front lot line in order to provide a sense of enclosure and improve pedestrian comfort.  Create attractive and interesting commercial streetscapes by... avoiding windowless facades and gaps in the street wall.
<b>Neighborhood Commercial Zones (Subtitle H)</b>		
<ul style="list-style-type: none"> <li>• Use categories with existing limitation</li> </ul>		
Downtown and Neighborhood shopping	Policy ED-2.2.2 and Policy ED-2.2.3	Call for the expansion of retail shopping opportunities in the downtown and neighborhood areas, respectively.
Reduce Land Use Conflicts in Commercial Zones	Action LU-2.4.B	Control the uses which are permitted by-right in commercial zones; avoid concentration of particular uses with the potential for adverse effects; and consider performance standards to reduce potential conflicts.
<b>Downtown (Subtitle I)</b>		
<ul style="list-style-type: none"> <li>• New D zones and expanded provisions to boundaries of land designated for high density commercial on the Comp Plan Land Use Map</li> <li>• Retail requirements in designated areas with minimum ground floor height</li> <li>• Arts requirements in designated areas</li> <li>• Housing requirements and incentives</li> <li>• Combine Transfer of Development Rights and Combined Lot provisions into Credits program for housing and arts</li> <li>• Historic preservation</li> <li>• Apply Inclusionary Zoning requirements to new D zones</li> </ul>		
Public Space Regulations	Action CW-1.1.E	Simplify public space regulations for Downtown to avoid duplicative or inconsistent standards and overly complex permitting requirements.
Strengthening the Retail Core	Policy CW-2.1.1	Strengthen the traditional retail core along F and G Streets between 9 <sup>th</sup> and 15 <sup>th</sup> Street N.W. Encourage the extension of the retail core eastward to 6 <sup>th</sup> Street N.W. to create greater synergy between this area and Gallery Place.

<b>ZONING ISSUES</b>	<b>COMPREHENSIVE PLAN CITATION</b>	<b>COMPREHENSIVE PLAN TEXT</b>
Metro Center Retail Core	Action CW-2.1.A	Review land use, zoning, and urban design regulations for the Downtown retail district to ensure that they are producing the desired results, including continuous ground floor retail space, pedestrian-friendly streetscapes, adaptive reuse of historic buildings, and increased patronage by visitors and workers.
Promoting Central Washington Shopping	Policy CW-2.1.2	Facilitate District and private sector efforts to market the Central Washington Retail Core as a shopping destination for District residents as well as for tourists and suburban residents, and to promote Central Washington as a preferred alternative to suburban shopping malls.
Creating a Critical Mass of Retail Choices	Policy CW-2.1.3	Improve Downtown's viability as a shopping destination by encouraging additional small retailers to locate around existing retail anchors, adding new major retail anchors, and requiring continuous ground floor retail space wherever appropriate.
Pedestrian Movement in the Retail Core	Policy CW-2.1.5	Emphasize and encourage pedestrian movement in the Downtown Retail Core, particularly along F, G, and H Streets N.W. Future development in this area should create and support street-level activity.
Old Convention Center Redevelopment	Policy CW-2.1.9	Support the redevelopment of the Old Washington Convention Center as a mixed use development with residential, office, institutional, community, open space, and recreational uses.
Art and Entertainment District	Policy CW-2.2.1	Promote the development of the Gallery Place and 7 <sup>th</sup> Street area as a pedestrian-oriented arts and entertainment district, with nightlife and restaurants, theaters, galleries, and independent and national retailers.
Re-envisioning Mount Vernon Square	Policy CW-2.4.1	Improve Mount Vernon Square as a center of cultural activity, a memorable civic landmark, and a crossroads between Downtown on the south and the historic Shaw neighborhood on the north.
Convention Center Area Land Uses	Policy CW-2.4.3	Encourage land uses around Mount Vernon Square which capitalize on the presence of the Washington Convention Center. Such uses include hotels, restaurants, retail, and entertainment uses.
Mount Vernon Triangle Residential Development	Policy CW-2.4.4	Develop the Mount Vernon Triangle (east of Mount Vernon Square) as a high-density residential neighborhood. Zoning incentives for this area should encourage the production of housing, as well as local-serving ground floor retail, arts, and small office uses.
NoMA Land Use Mix	Policy CW-2.8.1	Promote NoMA's development as an active mixed use neighborhood that includes residential, office, hotel, commercial, and ground floor retail uses. A diverse mix of housing, serving a range of household types and incomes, should be accommodated.

<b>ZONING ISSUES</b>	<b>COMPREHENSIVE PLAN CITATION</b>	<b>COMPREHENSIVE PLAN TEXT</b>
Edge Conditions Around Transit Stations	Policy LU-1.3.5	Ensure that development adjacent to Metrorail stations is planned and designed to respect the character, scale, and integrity of adjacent neighborhoods. For stations that are located within or close to low density areas, building heights should “step down” as needed to avoid dramatic contrasts in height and scale between the station area and nearby residential streets and yards.
Housing in the Central City	Policy H-1.1.6	Absorb a substantial component of the demand for new high-density housing in Central Washington and along the Anacostia River. Absorbing the demand for higher density units within these areas is an effective way to meet housing demands, create mixed-use areas, and conserve single-family residential neighborhoods throughout the city. Mixed income, higher density downtown housing also provides the opportunity to create vibrant street life, and to support the restaurants, retail, entertainment, and other amenities that are desired and needed in the heart of the city.
Density Bonuses for Affordable Housing	Policy H-1.2.7	Provide zoning incentives to developers proposing to build low- and moderate-income housing. Affordable housing shall be considered a public benefit for the purposes of granting density bonuses when new development is proposed. Density bonuses should be granted in historic districts only when the effect of such increased density does not significantly undermine the character of the neighborhood.
Retail Ceiling Heights	Action ED-2.2.B	Determine the feasibility of zoning amendments which would permit higher ground floor retail ceiling heights in commercial and mixed use districts. The building height limits in several zone districts preclude the development of ground floor space in keeping with national standards without reducing overall gross leasable building area or placing a portion of the ground floor below the street level.
TDR Benefits for Historic Preservation	Action HP-3.1.B	Evaluate the effectiveness of existing TDR programs, and consider revisions to enhance their utility for preservation.
<b>Production, Distribution and Repair (PDR) (Subtitle J)</b> <ul style="list-style-type: none"> <li>• Limit non-industrial uses in PDR zones</li> <li>• Create new PDR zones with various FAR splits</li> <li>• Apply a buffer requirement between residential and industrial uses; including solid fencing and landscaping</li> <li>• Expand external effect limitations to all industrial zones</li> <li>• Restrict industrial uses in lowest density waterfront zone</li> <li>• Require special exception for certain uses when proposed with a certain distance of residential</li> </ul>		

<b>ZONING ISSUES</b>	<b>COMPREHENSIVE PLAN CITATION</b>	<b>COMPREHENSIVE PLAN TEXT</b>
Economic Development and Environmental Protection Elements	Policy ED-2.5 and Policy E-5	The Economic Development Element discusses retaining Production, Distribution, and Repair (PDR) land as a way to help foster a diverse economy that maintains and creates living wage jobs. In the Environmental Protection Element, the discussion of industrial uses is framed by issues of environmental justice and our efforts to prevent a concentration of industrial uses in a particular community or geographic area. This section of the Plan also discusses the need for better measurement and enforcement of existing regulations that address the external effects often associated with industrial uses ( <i>e.g.</i> , noise regulations), and the need to study the health impacts of industrial uses when making land use decisions.
Lower Anacostia Waterfront/Near Southwest	Policy AW-1.1	Suggested actions included reducing the amount of industrial land and uses along the waterfront.
Upper Northeast	Action UNE-1.1.A	Develop additional solutions to buffer residential and industrial areas from one another. One possibility is to consider extending the Langdon Overlay zone, which prohibits certain types of industrial uses in immediate proximity to residential uses and which requires screening to protect residential areas.
	Action UNE-1.1.B	Implement the applicable recommendations of the 2006 Industrial Land Use Study as they relate to Upper Northeast.
Far Northeast and Southeast and Rock Creek East	FNS-1.2 & RCE-1.2	Plan policies focused on providing adequate buffers between residential and industrial uses, improving the appearance and screening of industrial uses, and suggesting areas where it may be appropriate to consider land use changes from industrial to mixed or residential uses.
Industrial Land Retention	Policy ED-2.5.1	Retain an adequate supply of industrially zoned land in order to accommodate the production, warehousing, distribution, light industrial, and research and development activities which sustain the local economy, support municipal services, and provide good employment opportunities for District residents.
Retaining Heavy Industry	Policy ED-2.5.2:	Ensure that basic manufacturing (M-zoned) land is retained within the District to support the heavy industries that are essential to the local economy, such as concrete and asphalt batching plants and waste transfer facilities.
Production, Distribution, and Repair Uses	Policy UNE-1.1.9	Retain the existing concentration of PDR uses in Upper Northeast, but encourage the upgrading of these uses through higher design standards, landscaping, and improved screening and buffering. Emphasize new uses, including retail and office space, that create jobs for Upper Northeast area residents, and that minimize off-site impacts on the surrounding residential areas.

<b>ZONING ISSUES</b>	<b>COMPREHENSIVE PLAN CITATION</b>	<b>COMPREHENSIVE PLAN TEXT</b>
Production, Distribution, and Repair Land Uses	Policy UNE-2.3.2	Retain a significant concentration of PDR land uses in the New York Avenue corridor. While the conversion of industrial land to other uses can be considered on key sites, including the Bladensburg/Montana/New York “triangle,” these changes should not diminish the area’s ability to function as an industrial district meeting the needs of government and District businesses and residents. Retail and office uses have existed historically along both sides of V Street between Bladensburg Road and South Dakota Avenue N.E. and should continue in accordance with the existing CM- and M- zoning.
Conservation of Industrial Land	Policy LU-3.1.1	Ensure that zoning regulations and land use decisions protect active and viable PDR land uses, while allowing compatible office and retail uses and development under standards established within CM- and M- zoning. Economic development programs should work to retain and permit such uses in the future.
Industrial Zoning Use Changes	Action LU-3.1.A	Provide a new zoning framework for industrial land, including limiting non-industrial uses in the M zone to avoid encroachment by uses which could impair existing industrial and public works activities (such as trash transfer).
Industrial Land Use Compatibility	Action LU-3.1.B	Develop performance standards and buffering guidelines to improve edge conditions where industrial uses abut residential uses, and to address areas where residential uses currently exist within industrially zoned areas.
<b>The Design of New Neighborhoods (Subtitle K)</b>  <b>New zones that reflect adopted specific plans</b> <ul style="list-style-type: none"> <li>• SEFC (Southeast Federal Center)</li> <li>• USN (Union Station North)</li> <li>• StE (Saint Elizabeth)</li> <li>• WR (Walter Reed)</li> </ul>		
Form-Based Zoning Codes	Action UD-2.3.B	Explore the use of form-based zoning codes on selected large sites as a way of establishing desired urban design characteristics without rigidly prescribing allowable uses.

ZONING ISSUES	COMPREHENSIVE PLAN CITATION	COMPREHENSIVE PLAN TEXT
<b>Planned Unit Development (Subtitle X)</b> <ul style="list-style-type: none"> <li>• Early referral to ANC</li> <li>• Expanded text on benefit types</li> <li>• Standardize density increase at 20%</li> <li>• Inclusion of overlay restrictions</li> <li>• Limitations of post-approval administrative flexibility</li> <li>• Limitations on time extensions</li> <li>• Distinction between degrees of approved PUD modifications</li> <li>• Referral to NCPC only when the PUD includes an associated map amendment</li> </ul>		
PUD Regulations	Action IM-1.1.A	Evaluate the District’s Planned Unit Development (PUD) regulations and procedures, including a “best practices” assessment of PUD practices in other large cities.
Review of Zoning Requirements	Action UD-4.1.C	Review the processes and requirements for PUDs, site plans in the R-5-A zoning districts, and large tract reviews in order to strengthen design amenities and promote higher design quality.
	Action T-1.1.B	Require transportation demand management measures and transportation support facilities such as crosswalks, bus shelters, and bicycle facilities in large development projects and major trip generators, including projects that go through the PUD process.
Design of public space in PUDs	Policy PROS-4.3.2: Plazas in Commercial Districts	Use the PUD process to promote such spaces for public benefit and to encourage tree planting, public art, sculpture, seating areas, and other amenities within such spaces.
	Policy 1-7	Incorporate a park and open space classification system into residential development requirements through the planned unit development process.
Historic Structures	Policy HP-2.2.2	Give full consideration to preservation concerns in applications for planned unit developments.
<b>Institutional Uses (Subtitle X)</b> <ul style="list-style-type: none"> <li>• BZA and ZC review for institutional uses other than colleges and universities</li> <li>• Requiring special exception for institutional housing</li> <li>• Allow campus plans for medical campuses</li> </ul>		
Zoning Review of Institutional Uses	Action LU-3.2.A	Study residential zoning requirements for institutional uses other than colleges and universities. Determine whether additional BZA or ZC review should be required in the event of a change in use.

<b>ZONING ISSUES</b>	<b>COMPREHENSIVE PLAN CITATION</b>	<b>COMPREHENSIVE PLAN TEXT</b>
Institutional Housing	Action LU-3.2.B	Require a special exception for dormitories, rooming houses, boarding houses, fraternities, sororities, and similar uses.
Institutional Uses	Policy LU-3.2.3	Ensure that large non-profits, service organizations, private schools, seminaries, colleges and universities, and other institutional uses that occupy large sites within residential areas are planned, designed, and managed in a way that minimizes objectionable impacts on adjacent communities. The zoning regulations should ensure that the expansion of these uses is not permitted if the quality of life in adjacent residential areas is significantly adversely affected.
<b>Foreign Missions (Subtitle X)</b>		
Modifications to diplomatic overlay	Action LU-3.3.A	Develop a new methodology to determine appropriate additional chancery development areas; and revise the mapped diplomatic areas, reflecting additional areas where foreign missions may relocate. Avoid concentrations of chanceries in low density neighborhoods, as consistent with the Foreign Missions Act.